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MEMOIRS

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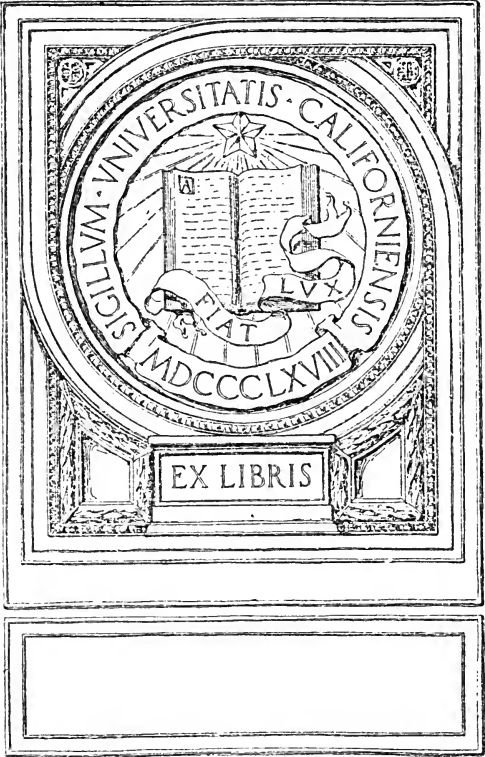
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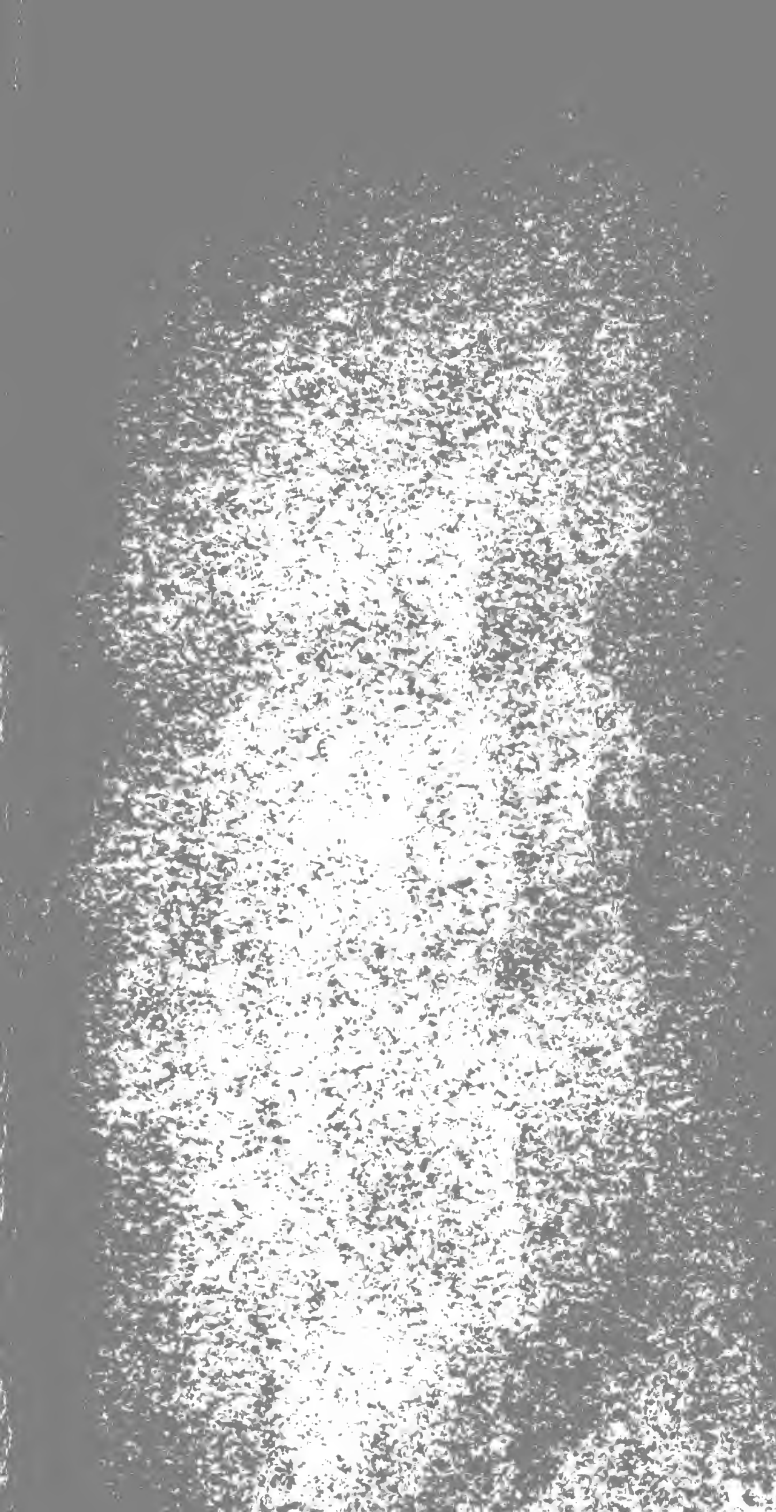
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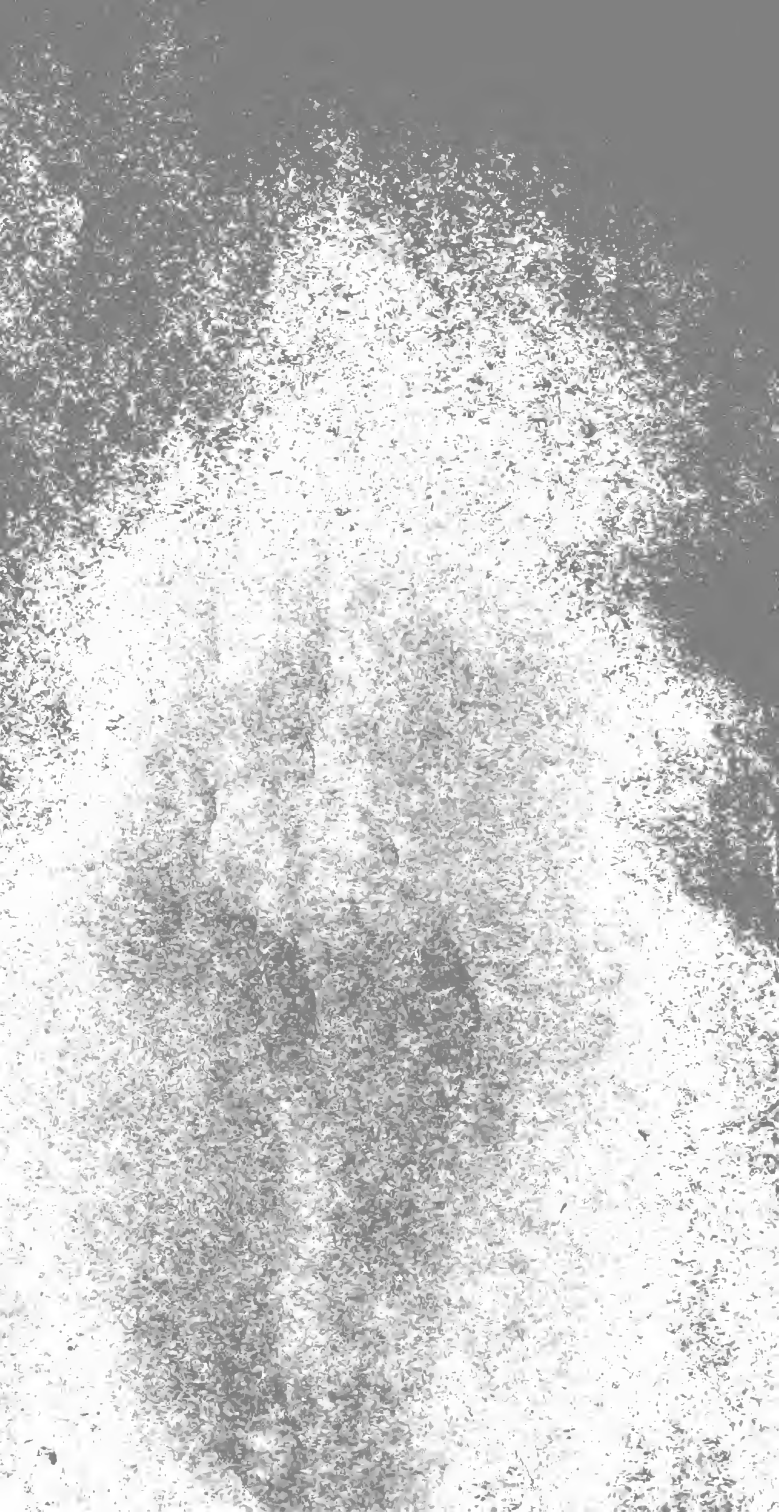
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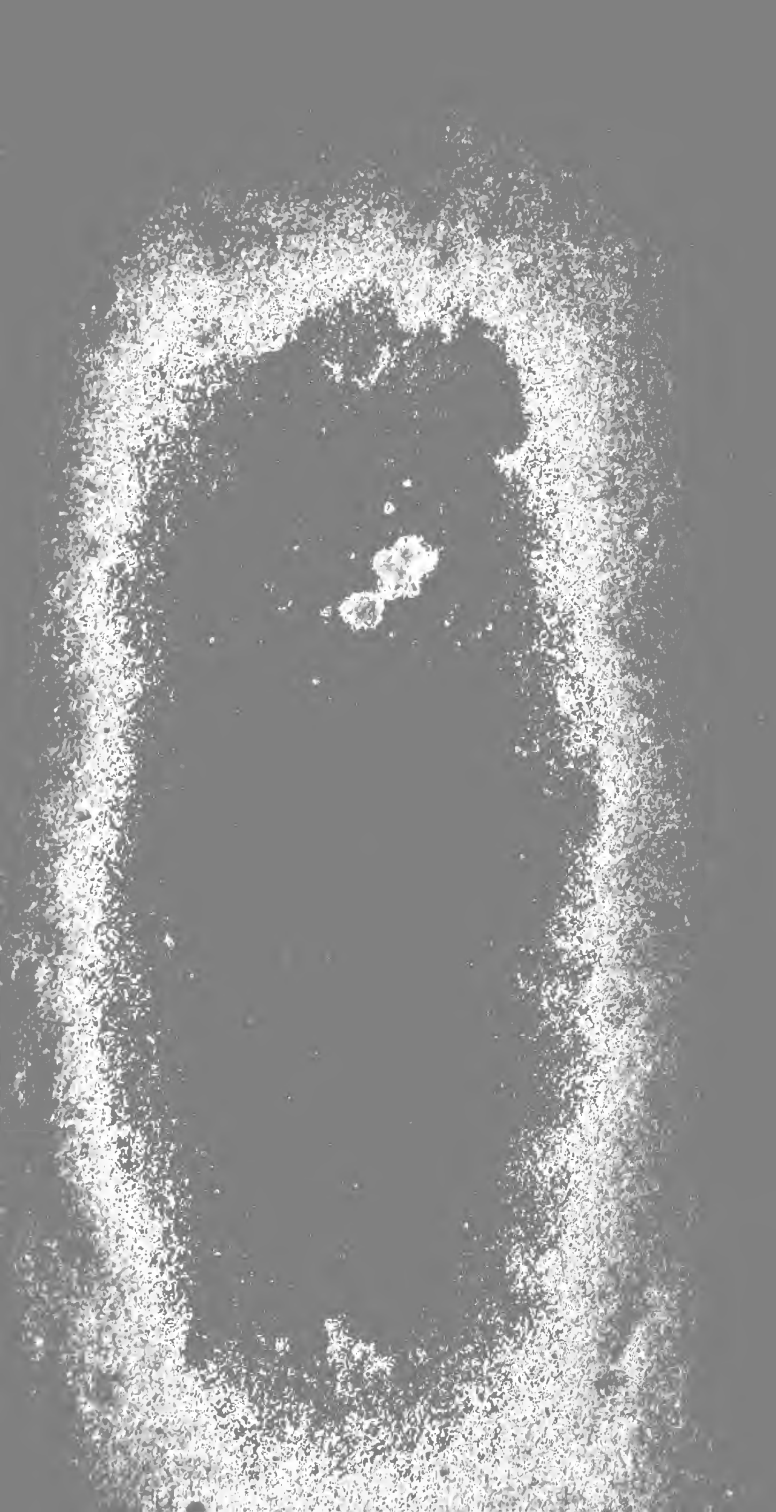
WITH PORTRAITS.



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FRANCIS DE VIGO

(M. SAVARY)

MEMOIRS

RELATIVE TO

THE DUKE D'ENGHIEN;

CONTAINING

1. MEMOIR OF THE DUKE OF ROVIGO,
2. MEMOIR OF COUNT HULIN,
3. MEMOIR OF M. DUPIN.

TO WHICH ARE ADDED

THE JOURNAL OF THE DUKE D'ENGHIEN,
WRITTEN BY HIMSELF;

AND

HISTORICAL AND INEDITED DOCUMENTS
RELATIVE TO HIS TRIAL.

SECOND EDITION.

WITH PORTRAIT.

LONDON:

PRINTED FOR HENRY COLBURN AND CO.

1823.

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OF
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G. R. P.

UNIV. OF
CALIFORNIA

MEMOIR

OF THE

DUKE OF ROVIGO,

(M. SAVARY,)

RELATIVE TO THE FATE

OF THE

DUKE D'ENGHIEU.

NO. 3110
ABSTRACT







THE DUKE D'ENGHEN

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MEMOIR

OF

THE DUKE OF ROVIGO

RELATIVE TO THE FATE OF

THE DUKE D'ENGHIEN.

IN replying to the article inserted in the *Oriflamme*, on the subject of the death of the Duke d'Enghien, I promised in a few days to explain how far I was concerned in that catastrophe; and I now fulfil that engagement.

It is not my intention to excite the passions, or cause a reaction of opinion that may lead to disorder; I desire only to make known the part I took in that event, and to shew that it was simply the consequence of the military duty with which I was charged.

All the pamphlets that have been written

on this fatal subject, have misrepresented its causes and circumstances; they have all given me a character which does not belong to me, and have taken pains to discover, even in the origin which they falsely attribute to me, those natural dispositions which best suited their passions.

Having thus established themselves on an erroneous basis, they have obtained credit for deductions equally erroneous.

I belong to a family of which I may justly feel proud; my father, by long service in war, had obtained a superior rank in the cavalry; and at the age of fifteen I entered the *Royal Normandy* regiment of cavalry, in which he had served. The Prince de Chalais was my colonel, and I was made an officer, as having been six years a king's scholar in the royal college of Saint-Louis, at Metz; it was then a matter of right. That appointment, and the ancient hereditary honour transmitted in families from generation to generation, were my sole patrimony.

The revolution, then, found me in this situation, too young to be its instrument, and yet old enough to choose between good and evil. I have thus been fortunate enough to pass through it, a stranger to the calamities which it so long inflicted.

The revolution of the 18th Brumaire took place. I had just arrived from Egypt with General Desaix, to whom I was first aide-de-camp, when, at his death, and on the field of Marengo, the First Consul attached me to his person in the same capacity (not, however, as first). I devoted my whole existence to him in return for the benefits he heaped upon me; and if this brief recital, in clearing away an odious calumny unjustly thrown upon me, can remove the cloud by which malevolence has obscured his glory, by propagating falsehoods, it will be but a poor acknowledgment for all I owe to him.

He was not the friend of anarchy: he had saved what remained of social order in France from destruction; and his favour was not to be courted by promoting the views of a party which he repressed with his whole power.

During the eighteen years that I served him, I never received a commission from him with which I did not feel flattered; perhaps I might, moreover, value myself on some actions which are not without honour; and I have more than once had occasion to feel convinced that the animosity with which I have been pursued, arose more from envy than from any grounds my own conduct had afforded.

It may be recollected that the epoch of the

Consular government was fertile in plots and conspiracies of every kind; witness the infernal machine of the 3d Nivose, the plan of assassinating the First Consul at the Opera, the conspiracies of B...te, on the occasion of the *Concordat*, &c. &c.

The republicans could not forgive him for breaking the fasces of the Republic and the Directory; and the royalists saw in his destruction the means of re-establishing the throne of the Bourbons on his ruin.

Of all these plots, the most notorious and the most dangerous to him, was that of Georges Cadoudal, because he reckoned in the number of his accomplices two generals, one of whom in particular exercised a great influence over the army.

I do not undertake here to examine whether his design was to kill the First Consul, or simply to depose him, as he pretended: but the conspiracy existed; that is a fact which it is impossible to call in question. That this conspiracy was the beginning and the cause of the misfortune of the Duke d'Enghien, is what I am about to prove, and submit to the judgment of the public.

At the period when the plot of Georges was discovered, the First Consul was at the high-

est point of his moral power. The splendour of his victories, the return of public order, the great political institutions which owed their existence to him, the re-establishment of religion, the security of the state;—all these great advantages of social order, which succeeded the chaos of anarchy, inspired a real enthusiasm. The army, the whole of which was in camp, professed an unbounded devotion to him. From all parts the First Consul received addresses urging him to give the finishing blow to his enemies. General Moreau had been arrested on the 15th of February, in consequence of a report from the chief judge; all France was in expectation of great events. Proceedings were commenced against Georges with the greatest solemnity. The *Juge-Instructeur* fixed his office at the Temple, for the greater facility of confronting the numerous witnesses as occasion required. This extraordinary tribunal of justice was open to the public; the access to it had been rendered very easy.

The police pursued its enquiries with unremitting zeal. Georges was only considered as an agent capable of executing, as an instrument set in motion by a more powerful hand than his own. The question was, who was the leader

of the enterprise—what illustrious head would come to receive the crown on the day that the First Consul should lose his life. Examinations were multiplied ; they interrogated first the servants of Georges, next his accomplices, then the persons who had lived in the same houses with them. All these enquiries were fruitless.

At length two of Georges' instruments declared that, every ten or twelve days, their master had received a visit from a personage whose name was unknown to them, but who must be of great distinction.

He appeared to be thirty-six years of age ; his hair was light, his forehead bald, he was of the middle size both in height and bulk, and dressed with studied elegance ; great respect was paid him ; and when he entered the apartment, every one rose and remained standing, even MM. de Polignac and de Rivière. He was constantly closeted with Georges, and both of them were always unattended.

These discoveries excited particular attention. Who could this mysterious personage be ? He was not a man of ordinary rank ; so much respect could only be addressed to one of superior quality. Imagination then began to play its part. Georges was furnished with considerable sums, as well as all those who,

like him, had been put on shore by Captain Wright. This circumstance clearly proved that the enterprise had an elevated source. To this were joined the depositions of some of Georges' dependents, who related what had been said to them on giving them the daggers which were found upon them. The revolution might indeed profit by the blow struck by Georges; but it was evidently not with a view to the advantage of the republic that the conspiracy had been formed. The house of Bourbon presented itself naturally to every mind. It was conceived then, that the mysterious personage of whom they were in quest, could only be one of those who were particularly interested in the success of the scheme. It was suggested to the First Consul, and he himself remarked, that there was no probability that such an enterprise should have been entered into without the presence of a prince of the family on the spot, ready to rally all their partisans about him, the moment the deed should be done. These arguments were corroborated by the observation, that it was only at the residence of Georges that the mysterious personage had shewn himself, and not at that of General Moreau.

The list of the princes of the house of Bour-

bon was then called over. It could not be Monsieur, the Count d'Artois, on account of his age;—it could not be the Duke de Berri: Georges' people knew that prince personally, and declared that he was not the individual in question. No suspicion could attach to the Duke d'Angouleme, who was at Mittau with the King. The Duke de Bourbon was in London, and his description did not correspond with that of the unknown personage. Suspicion therefore naturally fell upon the Duke d'Enghien. Fate seemed to have accumulated an overwhelming mass of circumstances and conjectures against the Duke: he was in the states of Baden, near the Rhine; the information given in, respecting the mysterious stranger, agreed personally with him; his courage and resolute character qualified him for a decisive and perilous enterprise.

It is proper to observe, that at this period, the ramifications of the police did not extend beyond the frontiers: the government received all its information from abroad, exclusively through the ministry of exterior relations.

The discoveries made by the two subordinate agents of Georges, and the conjectures to which they had given rise, and which were still persisted in for want of better informa-

tion, had been imparted to the First Consul, who immediately gave orders to send a proper person to ascertain, on the spot, what the Duke d'Enghien had been doing for the last six months. He entrusted these enquiries to the counsellor of state Real, who immediately hastened to the first inspector-general of gendarmerie, then General Moncey; explained to him the steps he was to take, and declared that it was the First Consul's wish that a proper officer should be dispatched without delay.

The general immediately selected a person employed in his office, communicated to him the orders he had just received, and urged him to expedite his journey. This man was not devoid of capacity, but guided rather by imagination than by reason. He at once gave himself up to the idea that the Duke d'Enghien must necessarily be the personage so industriously sought for; and from that moment his mind was much more occupied with the importance of his mission and report, than with the enquiries he was ordered to make.

He set out immediately, travelled with expedition, and reached Strasburg, where he was probably informed that the Duke d'Enghien came almost every week to the theatre in that city. I was myself assured of this fact by a person who was in his service at the time of

his seizure. It was even added that he had visited Paris during the government of the Directory, and whilst Bernadotte was minister at war. Hence it was concluded, that if he would expose himself to such imminent danger for the sake of going to the theatre, he would not shrink from peril when greater interests were at stake.

Full of his original prepossessions, the officer proceeded from Strasburg to Ettenheim, made his observations and enquiries, and from all that he saw and heard, concluded that it was clearly demonstrated that the Duke d'Enghien was the accomplice of Georges.

The prince lived in the plainest manner possible; the emigrants assembled in the vicinity of Offenburg used to pay their respects to him; he invited them to his table, and perhaps gave them, occasionally, some pecuniary assistance. The pleasures of the chace, and a tender intimacy with a French lady who shared his exile, constituted all his amusements. When he hunted, he often spent several successive days in that diversion; as those who are partial to this sport, and acquainted with the mountains of the Black Forest, will readily conceive.

But the officer sent to make observations, took a very different view of these circumstances: he was unable to comprehend that

the Prince's frequent absence, when not occasioned by the chace, was caused by his attachment to the object of his affections. He lost no time in drawing up his report, and proceeding to Paris.

“ The Duke d'Enghien, he stated, led a mysterious kind of life ; he saw a great number of emigrants, who came from Offenburg, and met at his house ; he was frequently absent for eight, ten, or twelve days together ; and none could discover the secret object of his journeys : it was to be inferred that he went to Paris on these occasions.”

The first inspector of gendarmerie received this report, and carried it, himself, to the First Consul, instead of handing it to M. Real.

When the latter came to Malmaison, the First Consul asked him how it was possible that the police should be totally ignorant of what was passing at Ettenheim? “ I am waiting,” said M. Real, “ for the return of an officer of gendarmerie, who has been sent to the spot, with orders to make a report.”— “ Here is the report,” replied the First Consul : “ by this, and through the prefect of Strasbourg, (then M. Shée, uncle to the Duke de Feltre,) I have learnt every thing relating to the Duke d'Enghien ; but this shall go on no longer ; I have given orders to seize him,

“ with all his papers : this is past jesting. It
“ would be rather too absurd for people to
“ come from Ettenheim to arrange a plan for
“ assassinating me, and then to suppose them-
“ selves in safety because they are on foreign
“ ground.”

Some officious counsellors had communicated the following calculation to the First Consul. From Ettenheim to Paris, by the ferry of Rheinau, is a journey of sixty hours; sixty hours more are requisite for returning; this makes five days, adding to which a stay of five days more at Paris, you have the ten days' absence reported by the officer of gendarmerie, and the ten or twelve days interval between one visit and another noticed by the agents of Georges. This calculation might easily have been refuted; for it could not be correct, unless the Duke d'Enghien set out again from Ettenheim almost as soon as he arrived there. But when the mind is prepossessed, a reasonable objection seldom produces conviction. I was afterwards assured, that immediately after the departure of the officer of gendarmerie, the First Consul held a privy council; on the breaking up of which, the Minister at War gave orders to the colonel of the horse-grenadiers, to proceed to Neuf-Brisach, to confer there with the gendarmerie placed at his disposal,

to take from the garrison as many men as he should deem necessary, to pass the Rhine, to advance rapidly on Ettenheim, to seize the Duke d'Enghien, and send him to Paris with all his papers.

It was considered highly important to secure his papers, because the intelligence which had formerly subsisted between the Prince de Condé, Pichegru, and several officers of his army, was not forgotten; and as General Moreau was implicated in this affair, it was thought that the authors of this plot might probably have endeavoured to renew, by means of Moreau, the plans which had formerly been attempted by Pichegru. Now, there were on this part of the frontier no less than ten regiments of cuirassiers, besides the two regiments of carabineers, who had latterly served under Moreau.*

* The First Consul's mind was never entirely cleared of the suspicions with which it had been filled on this subject; for after the death of the Duke d'Enghien, he ordered four regiments of cuirassiers to march for Italy, and the two regiments of carabineers for the camp of St. Omers, where they were certainly not intended to embark, like the chasseurs and hussars. In fact he was never completely tranquillized until he had entirely remodelled the command of all these corps, and until the campaign of 1805 had inspired them with new ideas.

The colonel of grenadiers set out, and punctually fulfilled his orders; but one obstacle might have arisen, against which it was thought prudent to provide. It was firmly believed that the Duke was the leader of a party, and that the emigrants assembled about Offenburg were a troop eager to serve under his command. It was therefore possible that the colonel might meet with some resistance, and be himself detained a prisoner. In that case the court of Baden would undoubtedly have interfered, and it would have become necessary either to disavow the enterprise, which the character of the officer would not allow of, or else to abandon him to his fate; and in either case, to submit to the failure of the undertaking.

To obviate this difficulty, an aide-de-camp of the First Consul had been furnished with a letter to the Margrave of Baden, containing a justification of the apparent act of hostility, to be used if necessary; but every thing having fully succeeded, this letter was not delivered, and the aide-de-camp remained at Strasburg and in its vicinity. The Margrave ordered his minister at Paris to complain to the Court of the Tuileries; satisfaction was afforded him, but at the same time he received orders to

remove from his territories, without delay, the assemblage of emigrants which had again appeared on the banks of the Rhine, by whatever title they might claim a right to be there. The court obeyed, and nothing farther was said respecting the seizure of the Duke d'Enghien.

The Prince was brought to Strasburg; the telegraph announced his departure from that city; he was transferred to Paris. The colonel of grenadiers and the First Consul's aide-de-camp arrived separately, and not with the escort, as has been stated. The colonel did not enter the house in which the Duke was lodged, but surrounded it with the troops he had brought with him. It was the gendarmerie that went in, and tried him. The colonel of grenadiers merely protected the gendarmes.

I had just returned from a mission on which I had been engaged nearly two months, during which I had been informed of the apprehension of General Moreau, Georges, and Pichegru. I was at M. Beugnot's, then prefect of Rouen, when the newspapers published the account of this affair, and also on the day when the party set out to apprehend the Duke d'Enghien.

There were two objects in my mission into Normandy; one relative to the passage of the flotillas, which were collecting along the coast from the mouth of the Seine to Boulogne; the other, to watch whether any fresh clandestine landings were still taking place between Abbeville and Havre: and I had orders to send all persons concerned in such transactions to Paris.

I had set out from Paris on the day succeeding the first discoveries made by the man who gave information of this plot.

Had my journey lasted but two days more, I should not now have had any thing to state respecting the death of the Prince: and it would be absurd to suppose that it depended on my return.

Up to that time I had been wholly unconcerned in what had taken place, when, being on duty at Malmaison, I was called, about five o'clock in the evening, into the closet of the First Consul, who gave me a sealed letter, with orders to carry it to General Murat, the Governor of Paris.

I went on horseback, and reached his house about six o'clock in the evening. At the door I met the Minister of Foreign Relations, who was coming out.

As I had seen him in the morning at Malmaison, and knew that General Murat was indisposed and confined to his apartment, I did not dwell on the reflection that this was not the minister's usual hour, but attributed this visit to the general's illness.

The general took the letter, read it, and told me I should presently be informed of the orders concerning me, included in those which I had just handed to him.

I here declare, in the full sincerity of my heart, and under the pledge of military honour, that I was entirely ignorant that M. d'Enghien was in question; that I had no knowledge of his apprehension beyond the Rhine, or of his arrival at Paris; not a word on the subject had been mentioned to me at Malmaison, unless vaguely, at the moment of my departure, and because, I believe, the telegraphic dispatch which announced his departure from Strasburg had just arrived, and people were whispering about it in the ante-rooms. On leaving the château I was firmly persuaded that I was to return thither after fulfilling my mission; but General Murat's words excited other ideas in my mind.

I received orders to take the command of a brigade of infantry which occupied the ex-

tremity of the Faubourg Saint-Antoine, and which was to muster at Vincennes at ten o'clock at night*.

As my legion of gendarmerie was close to this corps (occupying the Arsenal), I had been ordered to watch whether any attempt was made to seduce the men from their duty; that is, my legion was to watch, for I was mostly absent. The discovery of Georges' conspiracy, in which Moreau was implicated, had made the government solicitous about the most trifling circumstances.

The *gendarmerie d'élite*, of which I was colonel, did not at that period form part of the guard; it belonged to the garrison of Paris, and was composed of a small battalion and four squadrons of cavalry, chosen from the whole corps of gendarmerie. It had received orders, from the governor of Paris, to send the infantry and a strong detachment of cavalry to keep garrison at Vincennes, and the duplicate of this order had been forwarded to me.

Towards eight in the evening I myself re-

* There were several other brigades, which at this period had been drawn near Paris without exciting any notice. They were mostly troops in bad condition, which the First Consul sent for, clothed, equipped, and forwarded to Boulogne. On this occasion the brigade in question had been placed under arms.

paired to the spot, to muster the brigade.* I was engaged in stationing this corps and the gendarmerie at the outlets of the place, when the members of the military commission arrived. Up to the moment when I was informed, at Vincennes, that the Duke d'Enghien had arrived there from Strasburg at four in the evening, I firmly believed that he had been found in some place of concealment in Paris, in the same manner as the companions of Georges; so little attention had I paid to what was said to be known from the telegraphic dispatches. These circumstances could not fail to excite

* This brigade was composed of about 600 men; most of them had been serjeants and serjeants-major in the army. I felt all the regard for them which brave men ought to excite, and I had no greater pleasure than that of making use of the advantages of my situation to promote their welfare. The tokens of their attachment to me enabled me to support all the calumnies and machinations to which I was exposed by a command envied by many. I communicated to these men all the zeal by which I was myself inspired; and it is my duty to say, in the face of the world, that I never knew a single individual amongst them to whom any man would have dared to propose an equivocal commission; and that, if such a thing had taken place, the person selected would instantly have been removed from the corps. Many unjustifiable and calumnious things have been said of the *gendarmerie d'élite*; but no one has ventured to insult them, because it was well known how such an attempt would have been received.

my most eager curiosity. I was impatient to learn the particulars of so extraordinary an affair. A commission might easily have been formed of men of exalted station; but this, it is universally known, was composed of the different colonels whose regiments constituted the garrison of Paris, and the general commanding the place naturally became its president. This commission was entirely ignorant of the discoveries which had been made by Georges' people respecting the unknown personage; and had no other document for the basis of their proceedings than the report of the officer of gendarmerie sent to Ettenheim, and the papers transmitted by the prefect, M. Shée. The members were not men of extravagant principles; they were, like all France, indignant at a plot for assassinating the First Consul: they were satisfied, like every one else, that Georges only acted under the direction of a prince interested in the success of the enterprise, who, in all probability, either was then at Paris, or was to repair thither when his presence should be necessary. There appeared to be nobody but the Duke d'Enghien who was in a situation to perform this principal part. Such were the colours in which he was represented.

The commission met in the great hall of the

inhabited part of the château: their session was not secret, as several pamphlets have asserted; they had been convoked, not by an order from the First Consul alone, but by virtue of a decree of the government countersigned by the Secretary of State and addressed to the Governor of Paris, who transmitted it to the President.

Each of the members composing this commission had received, separately, his nomination, previously to proceeding to Vincennes, and without having seen any person; for there had been no time to tamper with them, even if their personal characters had not been sufficient to set aside all idea of such an attempt.

The doors of the hall were open, and afforded free access to all who could attend it at that hour; it was even so crowded, that I, who arrived late, found it difficult to make my way to the back of the president's seat, where I at length stationed myself, impatient to hear the proceedings of this trial.

I was not in time to see the Prince brought in. The discussion had already commenced, and was proceeding with much warmth. The Duke d'Enghien indignantly repelled the imputation of being an accomplice in an intended assassination; and, according to the information I collected on the spot, he had just ac-

knowledged that he was not to have returned into France, except in arms. By the warmth with which he addressed his judges, it was easy to perceive that he had no idea of the probable result of this trial.

The commission allowed him to speak as long as he pleased ; and when he concluded, it was observed to him that he must either be unconscious of the situation in which he stood, or determined not to answer the questions proposed to him ; that he seemed to rely on his birth and the glory of his ancestors, but that he had better adopt a different system of defence. It was added, that the commission did not wish to take advantage of his situation ; but that it was not probable that he could be so completely ignorant as he pretended of what was passing in France, when not only the place he inhabited, but France and all Europe, were intent on these events ; that he would never be able to persuade people that he could be indifferent to transactions, all the results of which were to be advantageous to himself ; that the improbability of such a supposition was so evident, that they could not but point it out to him ; that they advised him to reflect on it, and to consider that serious consequences might ensue.

The Duke d'Enghien, after a moment's silence, replied in a solemn tone :—

“ I perfectly comprehend your meaning, Sir. It was not my intention to remain in- different. I had solicited service in the English armies, and had been informed, in answer, by the British government, that it could not employ me, but that I had better remain on the Rhine, where I should speedily have a part to perform ; and I was waiting accordingly. I have, Sir, nothing farther to state.”*

Such was precisely the Prince's answer. I immediately committed it to writing : I now cite it from memory, but it was so profoundly engraved on my mind, that I do not think I have forgotten a single syllable. Besides, it ought to be found amongst the proceedings on

* On leaving the Bellerophon in Plymouth roads, in 1815, I was removed on board the Eurotas frigate, to be carried as a prisoner to Malta. Captain L..... commanded this frigate. During the voyage he informed me that he had been employed under Mr. Drake, on the banks of the Rhine ; that he had been sent to all the petty German courts, to Offenburg, and to the Duke d'Enghien at Ettenheim. He still exclaimed bitterly against Mehée, who had, he said, cheated them in the most infamous manner.

the trial; and if not there, it must certainly have been intentionally removed.*

These last words decided the fate of the Duke d'Enghien. He had already mentioned the pecuniary assistance he received from the court of London—a pension allowed him by England; but he had expressed himself in such a manner as to induce the belief that, instead of a pension for his support, this money might be a bribe, destined, like that furnished to Georges, to pay conspirators; and none of his judges being acquainted with his financial affairs, this circumstance added greatly to the prejudices already conceived against him. This Prince was impelled by a fatality.

The commission, conceiving that sufficient

* During my ministry, I ascertained that the proceedings of the criminal trial on which the daring condemnation of the Queen of France was founded, had been carried off from the archives of the Palace of Justice so completely, that the papers relating to this trial are reduced to a few ridiculous scraps; and I know that immediately after the restoration of 1814, one of M. de Talleyrand's secretaries was for several days constantly employed in making searches in the archives under the gallery of the Museum. I received this information from the person to whom the order to admit the secretary was addressed. Similar measures were pursued at the War Depôt with respect to the records of the trial of the Duke d'Enghien, of which nothing but the sentence remains.

evidence had been obtained, closed the discussion, and caused the hall to be cleared for the purpose of deliberating in secret. I retired with the officers of my corps, who had also attended the debates, and rejoined the troops who were on the esplanade of the castle.

The deliberations of the commission lasted a considerable time; the sentence was not known until two hours after the clearing of the hall.

The officer who commanded the infantry of my legion * came to me, and with the deepest emotion, told me that he had been applied to for a piquet to execute the sentence of the military commission. "Give it," I replied. "But where must I place it?"—"Where you may be sure not to wound any one," for the people of Paris were already on the roads, proceeding to the different markets.

After a careful examination of the place, the officer selected the ditch as the safest spot, to avoid wounding any person; there was no other motive for this choice. The Duke d'Enghien was conducted thither by the staircase of the entrance tower on the park side,

* I think it was M. Delga, who was afterwards killed at Wagram.

where he heard his sentence, which was then executed.*

To what trials fortune often delights to expose us, whether we command or obey! I have now related all the particulars of this fatal event; and, as far as it concerns me, I have not withheld a single word. A hundred witnesses can attest the truth of what I have stated; for although nineteen years have elapsed, death has not swept away all. Let all those who are now living speak, and if I am guilty, let them rise up as my accusers; let them declare whether I did any thing more than I have here stated. And yet there are people who have indulged themselves in heaping the most odious imputations on my head; they have held me up as a mark to public hatred, which I never merited; acts have been imputed to me which it never was in my power to commit, had I been inclined; but which would have been totally repugnant to my character—the object of these calumnies. None but men who would themselves be capable of perpetrating such deeds, would be base enough to impute them to others. Let us examine these slanders.

* Between the sentence and its execution, a grave had been dug; from this circumstance it has been falsely stated that it was dug before the judgment was pronounced.

I have been accused of having fastened a lantern to the Duke's breast; and some execrable wretches have even spread the absurd story that I seized upon his spoils as a trophy, decked myself with his watch, and delighted to exhibit it.

I shall answer these infamous imputations by a few plain questions, addressed to my accusers. At what period, in what month, on what day, did the trial of the Duke d'Enghien take place? In 1804, in March, on the 21st of that month. At what hour did the execution of this fatal sentence take place? At six in the morning, as indisputable documents certify. At what hour does the sun rise at that time of the year? At six o'clock. Well then, was there any occasion for a lantern, at sun-rise, in the open air, in order to see a man at the distance of six paces? (I do not mean to say that the sun was bright and unclouded; a small rain had fallen throughout the night, and there still remained a damp mist which delayed the sun's appearance.) But farther, who saw me in the ditch? Was that my place? Was I elsewhere than at the head of the troops, on the esplanade, where the polygon of the artillery now stands?

Was it possible for me, when the Prince was shot, to take my share of the spoil, to seize his

watch, or any other article belonging to him? Was ever such a base action laid to the charge of a superior officer? Could such a thought even occur to me? But I will state a fact which is a complete answer to the whole accusation, and which it is my duty to mention for the honour of the gendarmes, rather than mine. The body of the Duke d'Enghien was afterwards disinterred; a *procès-verbal* of the transaction was drawn up; and this *procès-verbal* proves that the remains of his watch and the links of the chain belonging to it were found; thus no such scandalous act was committed at all, and the gendarmes composing the piquet did nothing more than their duty.

To facts like these, what answer can be given? But I have farther particulars to make known. The Duke d'Enghien, on his arrival at Vincennes, was placed in the custody of an officer of *gendarmerie d'élite*, of the name of Noirot. This officer had formerly served in the Royal Navarre cavalry regiment, then commanded by colonel the Count de Crussol, whom the Duke d'Enghien occasionally visited. In the course of conversation, M. Noirot mentioned several circumstances to the Prince, which related to himself personally; whence the latter conceived a great degree of confi-

dence in him; he entreated him not to leave him; and at the place of execution entrusted to him several rings and other pledges of affection to be delivered to Madame de R. R. The next day this officer came to consult me, and to request my permission to deliver them, which he was very sure to obtain.

M. Noirot is, I believe, still living; he enjoys the esteem and respect of all who are acquainted with him. He can state whether any cruel hand fastened a lantern on the breast of the Duke d'Enghien; whether any one took away his watch, or any other article he wore. He would never have suffered it; neither would the other officers present at that distressing moment.

But how many falsehoods have been invented to cover this transaction with odium! It has been asserted that the Prince, in his last moments, solicited the consolations of religion, which were denied him. I know nothing of this circumstance. No one in the world ever mentioned it to me; but even if it be true, I was not the person to whom such a request was to be addressed; I had no authority either to grant or refuse it.

Let every one, I say again, take upon himself his own share in this affair. I have stated mine. If the Prince invoked the aid of reli-

gion, it ought to have been allowed him. I only know that ecclesiastics were, even at that period, seldom to be met with; and that it would probably have been impossible to find a priest at Vincennes or in its neighbourhood.

In the army I have seen several of the Duke d'Enghien's judges; they all assured me that his confessions ruined him; without which they could never have found, in the documents submitted to them, sufficient grounds for his condemnation.

The captain-reporter has several times since written to me: "May I be present in a hundred battles, rather than at one trial!"

I commanded the troops whose attendance was judged necessary at Vincennes. It was a piquet of this corps that was charged with the execution of the sentence. This is all that can be said against them or me. Let those who accuse me as criminal in this affair, state what means of saving the Duke d'Enghien were in my power. Admitting that I had thought of such a thing, it would have been necessary to urge the troops to revolt and betray their duty; that is, in all probability, to have got myself shot, without saving the Duke d'Enghien. I appeal on this point to all military men of all countries.

But did the piquet act without a regular requisition? Had not the sentence been pronounced by a tribunal? Did it belong to me to examine into the competency of the court, and the validity of the sentence?

Military commissions are tribunals acknowledged by the laws. There is not a single government in Europe which would not make an example of an officer who should constitute himself a judge over judges. Responsibility never attaches to him who executes, but always to him who gives the order. What I did was neither more nor less than what any other officer would have done under the same circumstances.

Was not Marshal Monecy committed as a prisoner to the Castle of Ham, for having refused to preside at the council of war at which it was intended to try Marshal Ney?

Had the governor of Paris, when Marshal Ney was capitally condemned, refused to furnish a piquet for the execution of the sentence, would he not himself have incurred the penalty prescribed by the laws?

Marshal Ney had numerous partisans in the armies; yet no one ever offered the slightest reproach on this subject to the Vicomte de Rochechouart.

Let us never depart from established principles. Whenever the armed force begins to deliberate, the safety of the state is at an end.

After the execution of the sentence, I sent the troops back to their respective barracks and cantonments. I myself returned towards Paris. As I approached the barrier, I met M. Real, who was proceeding to Vincennes in the dress of a counsellor of state.

I stopped to ask him whither he was going. "To Vincennes," said he: "I received orders last night to proceed thither to interrogate the Duke d'Enghien."

I related to him exactly what had passed; and he appeared as much astonished at what I said, as I was by the information he had given me.

I began to meditate: I recollected meeting the Minister of Foreign Relations at General Murat's; and I began to entertain doubts whether the death of the Duke d'Enghien had been the act of the First Consul.

M. Real returned to Paris, and I went to Malmaison to render an account of what I had seen to the First Consul. I arrived there at eleven o'clock*.

* I think I wrote to the First Consul, after the execution, that I should come to Malmaison to report what I

The First Consul could scarcely believe that the trial could have taken place before the arrival of the counsellor Real; he looked earnestly at me, with his lynx-eyes, and exclaimed:—

“ There is something in this which I do not understand. I am not surprised that the commission gave judgment on the confessions of the Duke d’Enghien; but they could not have those confessions before they began the trial, and the trial was not to commence until after the Duke had been interrogated by M. Real, on a point which it was important to clear up.”

“ There is something in this business that I cannot fathom,” he repeated; “ this is a crime which produces nothing, and can only tend to render me odious.”

In fact, no sooner did the news of what had occurred begin to spread in Paris, than a general cry of indignation arose from every quarter. The trial was called an assassination; even the most moderate people said, “ How can the destruction of an innocent man add to the power of the First Consul ?” Public opinion was every day more and more openly expressed.

had witnessed; and that it was this circumstance of meeting M. Real which induced me to hasten thither immediately, without stopping at my own house at Paris.

The Government merely published in the *Moniteur* the sentence of the military commission, abstaining from any other explanation, whether through pride, or apprehension of the consequences of informing Europe, on the eve of a war, that the sparks of discord were not yet extinguished in France, and were still capable of affording restless spirits the means of disturbing her internal tranquillity. I have reason to think that this was the prevailing motive: it was, however, an error, because it furnished a pretext to the malevolent, and enabled them to do the government more injury, than all the consequences of the greatest publicity could have produced.

I myself long entertained the general opinion. But when I was minister, in 1810, I requested M. Real to explain this enigma, the meaning of which I had never been able to discover. He then unfolded to me the whole clue of this affair, explaining how, in the course of the proceedings, the track of Georges had been abandoned for that of the Duke d'Enghien, who had not been named by any one.

He it was who informed me of what I have already stated respecting the depositions of the two agents of Georges. It was from him that I heard of the unknown personage who used to resort to Georges' residence in a mys-

terious manner, of the respect paid to him, the conjectures formed respecting him, and the resolution adopted to seize the Duked'Enghien. It was intended to have confronted him with the agents of Georges, and to have ascertained whether he was in reality the personage who used to hold meetings with this arch-conspirator. He was not to have been tried unless he had been recognized. M. Real himself suspected an intrigue, and seemed inclined to think that the catastrophe had been hastened for the sole purpose of preventing the discovery of the truth.

“ General Pichegru,” said he, “ was not thought of, until it was discovered that the little lame general, who accompanied Moreau to the rendezvous on the Boulevard, was General Lajollais. He was arrested, and confronted with one of Georges' servants, who recognized him. From a word that he dropped, respecting the house at which he had alighted, the presence of Pichegru in Paris was discovered. Steps were immediately taken to apprehend him ; 100,000 francs promised to the person who should deliver him up, speedily converted a friend into a traitor. Twenty days had elapsed after his arrest, when the Duke d'Enghien was seized : some time being requisite to collect mate-

“ rials against General Pichegru, whose name
 “ had not previously been mentioned. He
 “ was at first interrogated alone; and as he
 “ enveloped himself in a system of absolute
 “ denial, it was resolved to confront him suc-
 “ cessively with all the individuals implicated
 “ in the same affair. It was in one of these
 “ confrontations that he was recognized as the
 “ mysterious personage who used to resort to
 “ Georges’ every ten or twelve days, and
 “ before whom every body assumed a respect-
 “ ful attitude.”

On learning these facts, M. Real was struck with consternation. He instantly went to communicate them to the First Consul, who at first seemed lost in thought. After a few moments’ silence he exclaimed, “ Ah! wretched T , what hast thou made me do ? ”

But it was too late : the Duke d’Enghien had fallen a victim to this mistake. Secrecy was, however, enjoined ; it could hardly have been otherwise.

It has been pretended that the First Consul persisted obstinately in committing this crime, in spite of the tears of the Empress Josephine (then Madame Bonaparte); it has been affirmed that she threw herself at his feet to obtain the pardon of the Duke d’Enghien; but all these stories were only invented to render him odious. Madame Bonaparte knew nothing of

the judgment of the military commission ; she had no means of hearing of it until my return to Malmaison, and then it was too late to ask for mercy.

It is possible that Madame Bonaparte, being informed of the danger that threatened the Duke d'Enghien, may have sought to excite her husband's compassion beforehand ; and this supposition is perfectly in accordance with the well-known goodness of her heart. But I think myself warranted in saying, that such was her perseverance in good actions of this kind, that she would never have desisted from her entreaties until she had obtained what she solicited.

As to the First Consul, when his share in this tragical event is calmly considered, it is impossible to withstand the force of considerations which greatly diminish the odium attempted to be cast on him.

Was it he who first carried his suspicions beyond the Rhine, and fixed them on the unfortunate Duke d'Enghien ? No ; he scarcely knew of the existence of such a person, and was totally ignorant of the place of his residence.

Who, then, could have directed his views to that quarter ? The minister charged with the department of foreign intelligence, the minister of exterior relations.

Did the First Consul make use of any private means for obtaining information respecting the Duke d'Enghien? No; he had recourse solely to the public functionaries entrusted with the superintendence of all that concerned public safety.

Did he garble or falsify the depositions or examinations, or alter any of the documents on which the accusation was founded? No; the originals were delivered to the military commission.

Had the First Consul entertained the guilty intention of ridding himself of the Duke d'Enghien, was there any necessity to carry him off from his residence, to preface his death with the form of a trial, to give him up to a commission which might have frustrated his object? Might he not have justified himself, by the example of his adversaries, in resorting to more prompt and certain means? Is there ever any want of villains to strike at the heart of an enemy? And when a man is capable of a murder, will he commit it in broad daylight, in the presence of numbers of witnesses, rather than strike his blow in the dark, and retain the power of denying the crime, or delivering up its perpetrator?

On the other hand, separating the Duke d'Enghien from the conspiracy of Georges,

of what importance was his life to the First Consul? He was not the heir to the throne; nor could he, in any event, be called to it. In order, therefore, to fix the attention of the First Consul, and make him enter into the views that were entertained, it was necessary to operate on his mind by considerations of a different nature, to compromise the Duke d'Enghien by connecting him with the conspiracy of Georges.

I have stated, and I am convinced, that the First Consul never thought of the Duke d'Enghien; that he was ignorant of his descent, as well as of his place of residence*; and that

* In the course of my administration, I had often an opportunity of hearing it said that a certain Baron d'Al was no stranger to this catastrophe, but contributed to it by means of the official reports which he made at that time to the minister of exterior relations, who probably became his dupe.

This M. d'Al, a foreigner of an intriguing, restless character, found his own country too little for him, and sought to connect himself with the fortunes of France. The minister appropriated him wholly to himself, and so entirely, that it became necessary to take him *into the service of France*, to enable him to find a country once more. If the Emperor, who was much displeased with him in 1813, did not make an example of him, it was because he remembered his former connexion with the line of policy he was then pursuing.

his first ideas on this subject were suggested by intriguing courtiers, who hesitate at nothing when there is an opportunity to make a profit by the appearance of devotedness: and at this period the struggle was, who should first discover the true leader in the conspiracy of Georges. Had the First Consul wished to destroy the Duke d'Enghien on the very day of his arrival, he would not have given M. Real orders to go and interrogate him; and that he did give such orders, is an indisputable fact. So far was the First Consul from being interested in hastening the catastrophe, that it was, on the contrary, of immense importance to him that the Duke d'Enghien should live at least eight days longer. Had he been recognized as the mysterious personage who used to go to Georges', his doom would undoubtedly have been certain. The mission of the counsellor of state Real to Vincennes is an irrefragable proof that the proceedings ought to have commenced with the verification of this fact.

The examination of the Prince's papers was also an indispensable preparatory step; for it was of great importance to ascertain whether there was any intelligence kept up between him and the officers of the troops remaining on

the Rhine, and the Prince's explanations on this subject might have been necessary. But intrigue had formed a different calculation: it was feared that if the Duke d'Enghien should not be recognized as the leader of the party, he would escape. He would then have known the circumstances and the authors of his seizure; disagreeable consequences might have ensued; to avoid which, and to enjoy the fruits of an odious zeal in security, they precipitated him into the grave. Such has always been the opinion of those who, like me, witnessed this lamentable trial. They have constantly said, that some considerable person must have interposed between the First Consul and the Governor of Paris, to induce the latter to act promptly, and to persuade him that the First Consul was unwilling to give the precise order for despatching the Duke d'Enghien, but that he would be highly satisfied when the deed should be done.

Why, then, did public opinion ever deviate from this track? How came it to fix on persons who are strangers, both by character and situation, to all such artifices and intrigues? If the First Consul thought he had occasion for me in this affair, if he believed me more capable than others of seconding his views, why did he not have me nominated on the military

commission? I might even have presided over it, holding the same rank as the officer who performed that duty.

I have reflected a thousand times on the circumstances of this fatal business, and I am more and more confirmed in the opinion, that the minister of exterior relations was the only person who could explain how and for what reason the military commission gave judgment, and caused its sentence to be executed, before M. Real could fulfil the mission entrusted to him. It is to be observed that none of the judges, nor even the President, had the least idea that M. Real was coming to Vincennes.

I have been purposely allowed to be calumniated in assemblies whose language was prescribed to them. But it is time for every man to father his own works. I have shewn what share I had in this sanguinary tragedy; I do not choose to have any other portion ascribed to me; nor will I endure the burthen of odious prejudices, whilst the real criminals are proudly strutting in all the pomp of the highest dignities.

Here ends the narrative which I wrote at Malta in 1815; and I shall now examine the imputations which might be derived from the

manner in which the “*Mémorial de Sainte-Hélène*” mentions this grand question.

I therefore proceed to the article which originally gave rise to this discussion. In naming individuals, I am not actuated by malevolence or resentment. I follow the path traced by the *Journal* with respect to the facts. The author refers to the works of Mr. O’Meara and Mr. Warden, declaring that he could only have repeated the information they have given, his own being derived from the same source.

Count Las Cases has no accusation to repel, in which respect I am less fortunate; but I shall merely refer to existing statements, and quote authorities, without accusing any one; and were I not persuaded that the person designated by Mr. O’Meara and Mr. Warden possesses all possible means of defence, I would not even repeat the assertions of those authors, notwithstanding the high authority by which they support them, and although they are corroborated by the circumstance that Count Las Cases refers to them. I now come to the narrative of M. de Las Cases, in his “*Mémorial de Sainte-Hélène*.”

“To us, in the intimacy of private conversation, the Emperor would say, that the blame, in France, might be ascribed to an excess of zeal in those who surrounded him; or to

“*private views, or, finally, to mysterious intrigues.**”

Let us investigate each of these alleged motives separately.

First, *To an excess of zeal.* This might apply to several of those who surrounded the First Consul, for there were many zealous individuals amongst them; but could mine be the zeal in question? No, certainly, for I had been absent upwards of two months; and two days had scarcely elapsed after my return, when the Duke d’Enghien was brought to Paris. I was ignorant both of the seizure of this prince, and of the order in council by virtue of which it had been effected. Even on the day of his trial, I was unacquainted with all particulars relating to it. It is not, therefore, to my excessive zeal, that the house of Condé has to impute its misfortune.

Secondly, *To private views.* To whom can this insinuation relate? To those who were interested in identifying the First Consul so completely with the revolutionary system, as to render it impossible for him ever to separate from it; to those who filled civil and administrative offices about the First Consul; for we military

* Journal of the Private Life and Conversations of the Emperor Napoleon at Saint-Helena, vol. iv. page 272.

men had nothing to do with political manœuvres, calculations deep and dark, or ministerial ambition. My private views could be no other than to do my duty to the ruler of the state, at the head of the corps which he had placed under my command: a soldier seldom has any private views but such as these. I cannot, therefore, be the person alluded to in what the Emperor says about private views.

Thirdly, *Or lastly, to mysterious intrigues.* These words are themselves in some degree mysterious. Let us try to discover their meaning.

Although the First Consul was indebted to the revolution for his own elevation, although in the commencement of his military fortune he often affected its language, and sometimes its principles, it was nevertheless well known that he hated the demagogue system, and held in detestation those principles of liberty and equality upon which it is impossible to constitute a state; he was sensible that it was necessary to reduce the revolution to order, and to construct out of it a single and powerful authority, able to crush and silence faction.

The royalists, ever indulging the most chimerical hopes, now flattered themselves that the Consul would one day make terms with the legitimate king; and, if it should prove to

be his interest, replace in his hands his long-lost sceptre. Although these ideas were totally unfounded, there were persons in whom they excited much anxiety. Multitudes shuddered at the very thoughts of the restoration of the Bourbons. They consented to raise the First Consul to the throne, but not to allow him to transfer it to another; and to prevent his ever forming such a resolution, they wished to implicate him so deeply in the revolution, to raise such a deadly enmity between him and the legitimate dynasty, as to render peace between them impossible. The blood of a Bourbon seemed the most certain means of cementing this alliance between the revolution and Napoleon. They therefore cast their eyes on the Duke d'Enghien, the only one of the family within their reach. But whilst the First Consul assented to all these proposals, he required that forms should be observed; that the guilt of the Duke d'Enghien should be clearly proved, in order that if he should perish in this unfortunate affair, the First Consul might at least justify himself in the eyes of Europe. But it was not impossible that the Prince might prove his innocence; and this chance was incompatible with the schemes of those who were engaged in *mysterious intrigues*. It was, therefore, necessary to hurry

on the catastrophe, and to guard against those principles of justice which might have saved the devoted victim. There is no other way of explaining the expressions of the First Consul. His observations to me, on learning the particulars of the Duke's execution, the astonishment he expressed to M. Real on the occasion, and that remarkable exclamation, "*Wretched T....., what hast thou made me do?*"—all these circumstances together, appear to me to afford a complete solution of the enigma; and in this explanation there is not a word applicable to me.

I have already said I had nothing to do with the revolution; I was then twenty-eight years of age; I had no interest in connecting the First Consul with the revolutionary interests; it was more agreeable to him to hate them than to favour them; but other persons who surrounded the First Consul were less happily situated.

I continue the narrative of M. de Las Cases.

"The Emperor said he had been *unexpectedly* urged on; *his ideas* had been, as it were, "*taken by surprise; his measures precipitated, his determinations fettered.*"

These words are rather vague, and do not convey any precise ideas; but let us take them as they are given. The First Consul's *ideas*

could not be *surprised* by me, for I was not at Paris when the seizure of the Duke d'Enghien was determined on; in less than two days after my arrival, he was brought to Paris and tried.

I could not possibly *precipitate his measures*: I did not then belong to his privy council; I was not a member of his administration; I had not been named on the military commission; I neither advised nor commanded; I merely obeyed.

His determinations fettered. It was not in my power to fetter or thwart him in any thing. I was not initiated into the views of the First Consul, nor had I any interest in deviating from them. I was not a creature of the principles of the revolution, as I have already said: I had no remorse, no reflections, no fears to disturb my mind. Accordingly I have hitherto met with nothing in M. de Las Cases' recital applicable to myself. Let us see if the remainder contain any thing in which I am more seriously implicated.

“ Every thing had been foreseen and prepared; *the different orders were already drawn up, there was nothing to do but to sign them.*”

Nothing to do but to sign them! Who had drawn up these orders beforehand? who had prepared every thing? Could I have done it;

I, a colonel in the cavalry, who had been absent two months? Had I any concern with deliberations in council, and state papers? Could I have any papers to present to the First Consul for his signature, relative to this business. Surely these functions belonged to some other than me.

But here is something yet more decisive. The Emperor, after having spoken of the motives that were attributed to him, denies them, and says: “ *These motives may perhaps have existed in the minds and with reference to the particular views of the subaltern agents who concurred in this event.* On my part there was nothing but the simple nature of the fact and the energy of my character.” He afterwards adds: “ Assuredly, had I been informed in time of certain particulars concerning the opinions of the Prince and his disposition; *above all, had I seen the letter he wrote to me, and which was not put into my hands (God knows from what motive) until he was no more*; most certainly I would have granted a pardon.”

This passage presents two parts very distinct: the one rather ambiguous, relative to the motives which the First Consul imputes to the subaltern agents who contributed to this catastrophe; the other sufficiently clear, re-

ferring to the letter written by the Duke d'Enghien, and withheld by some one.

I believe I have sufficiently explained the motives of the subaltern agents. They are naturally found in the interest they had in making the First Consul give pledges of his being identified with the revolution. This sense is the only one that can be given to the words of the First Consul.

But the letter, that letter which was not put into the hands of the First Consul till after the death of the Duke d'Enghien, to whom was it addressed? Could it be to me, through the channel of the officer of gendarmerie of whom I have already spoken? Here I stand in need of other proofs than mere denials; I require something more than reasoning; I must produce facts; I am about to do so. I declare, in the first place, that I never heard of this letter but through the *Mémorial de Sainte-Hélène*.

I was never near the Duke d'Enghien; I had no intercourse with him; I remained during and subsequently to the deliberation of the military commission, at the head of the corps I commanded: that is a notorious and incontestable fact. I know not whether the Duke d'Enghien obtained permission to write, at Vincennes, either before or after his trial; I have reason to pre-

sume that he did not: but, in any case, I here appeal to the veracity and honour of M. Noiroi; let him say if he did any thing more than consult me, and ask my permission; let him state if he delivered any note to me whatever. I might at once, then, on the simple testimony of this respectable officer, affirm that it was not to me that the letter in question was given; but here are more specific proofs, more peremptory arguments, than all that I could say.

M. de Las Cases, in relating the event in question, refers for the facts to the work of Doctor O'Meara, and to that of Doctor Warden: I have followed his directions, and have subjoined what I find there. I begin with O'Meara's book.

“ I now asked Napoleon if it were true that
 “ Talleyrand* had retained a letter written
 “ by the Duke d'Enghien to him (Napoleon)
 “ until two days after the Duke's execution?
 “ Napoleon's reply was,—‘ It is true; the
 “ Duke had written a letter, offering his ser-
 “ vices, and asking a command in the army
 “ from me; which that *scelerato* Talleyrand
 “ did not make known until two days after
 “ his execution.’ ”—(Vol. I. p. 335.)

* In the French edition this name is indicated by a T only.

I pass on to page 454, and read:—"When before the tribunal, he (the Duke) behaved with great bravery. When he arrived at Strasburg, he wrote a letter to me * * * * * This letter was delivered to Talleyrand, who concealed it until after his execution."

This passage contains two remarkable facts. The letter, it seems, was written, not at Vincennes, but at Strasburg. It was addressed, not to me, but to a person whose name begins with T. Now, mine at that time began with S. It was not to me, then, that it was given; it was not I who intercepted it. Indeed, to whom would the Duke d'Enghien on his arrival at Strasburg have applied, to get his letter delivered to the First Consul? Would it have been to me, whom he did not know, or to M. de T....., Minister for Foreign Affairs, the bearer of a great name, and known throughout Europe? But perhaps Doctor O'Meara may be deceived.

Let us, then, consult another authority. I have here the collection of Authentic Pieces relative to the captive of Saint-Helena, written by Generals Gourgaud and Montholon, and Doctor Warden; and I find, vol. ii. page 226:

"My minister represented strongly the necessity of seizing the Duke d'Enghien, though he was in a neutral territory. But I

“ still hesitated, and the Prince of Benevento
 “ twice brought the order for his arrest, for me
 “ to sign. It was not however till I was fully
 “ convinced of the urgency of such a measure,
 “ that I decided on signing it.”

The light now begins to break in upon us :
 “ *My minister ;*” I was not minister, and I was
 absent. “ *The Prince of Benevento.*” The Prince
 of Benevento is sufficiently known to render
 it unnecessary for me to say that I am not that
 person : all this paragraph, then, can have no
 reference to me.

I cannot therefore be the culprit denoted in
 this statement. If he who is there pointed out
 be the victim of a black calumny, he will doubt-
 less take measures against the calumniator. As
 for me, I have given a simple statement ; I have
 cited my authorities ; it was a duty which my
 situation imposed on me. I was deeply inter-
 ested in shewing that the catastrophe of the
 Duke d’Enghien could never be imputed to
 me ; I feel it of importance to prove that my
 name was never mentioned by the Emperor in
 the confidential conversations he had on that
 subject.

Whatever historical monuments I consult, I
 see certain names uniformly indicated, and
 these names are not mine ; neither the *Chrono-
 logical Review of the History of France during the*

Revolution, nor the *Correspondant de Hambourg*, nor the *Courrier de Leyde*, nor any other publication, names me; and yet in France I have been incessantly coupled with this transaction.

“The Minister for Foreign Affairs, Talleyrand,” says the *Révue Chronologique*, “informed the Minister of the Elector of Baden of this arrest, by a letter dated the 11th.”— (See the *Correspondant de Hambourg* and the *Courrier de Leyde*.)

“The First Consul,” says the French Minister, “has felt it necessary to give orders to certain detachments to repair to Offenbourg and Ettenheim, to seize the instigators of the monstrous conspiracies which, by their nature, put all those who have clearly taken part in them out of the law of nations.”

It is after long deliberation that I lay before the public this part of my Memoirs; I felt that I could not fully clear myself without transferring to others the stains which it has been sought to attach to me; and this necessity, unimpeachable as it is, was repugnant to my character. It required a decided provocation to make me break silence, and cease to rest satisfied in the testimony of my own conscience.

But at length, since the author of the *Mémoires de Sainte-Hélène* has left things in the

state they previously stood in, since in consequence of this *Memorial* the false rumours with which I have been incessantly assailed have been publicly renewed, why should I have still hesitated to give my explanations? What delicacy, what respect do I owe to those who have had none for me? All the circumstances of this tragic event have been intentionally distorted to give it the character of an assassination, committed in a den of robbers.

Powerful as I afterwards became, I might have avenged myself; but I preferred the respect due to my own character; and if I now without scruple lift the veil that covers that scene of horror, it is because I was tired of finding myself constantly accused, and it was no longer possible or proper for me to remain silent.

I owed it to my family, to my countrymen, and to my friends, to make this public statement; I was resolved to shew them that it was not by crime that I had raised myself; and that if my star had in aught availed me in my career, the greatest favour I have to acknowledge from it is, that it has led me to participate in a hundred battles, and not in one trial.

Now, having exhausted all I had to say on this subject, I shall mention it no more. Let every one make up his mind as he pleases; it

can certainly never be concluded that if, instead of being myself the author of my fortune, I had received with my birth all the advantages of an illustrious name, I should, in the whole course of my life, have been found to tarnish it in a single instance. I shall give no farther explanation on this matter; I could, indeed, only repeat what I have already said.

THE END.

MEMOIR

OF

COUNT HULIN

RELATIVE TO THE

MILITARY COMMISSION APPOINTED IN THE YEAR XII.

BY THE CONSULAR GOVERNMENT,

FOR THE

TRIAL OF THE DUKE D'ENGHIEN.

LONDON:

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EXPLANATIONS

RELATIVE TO THE

MILITARY COMMISSION INSTITUTED IN THE YEAR XII.

FOR THE

TRIAL OF THE DUKE D'ENGHIEN;

SUBMITTED TO ALL IMPARTIAL MEN,

BY COUNT HULIN.

THE unfortunate affair of the DUKE D'ENGHIEN has now cost me nearly twenty years of profound regret!

In my present advanced age, afflicted as I am with blindness, withdrawn from the world, and possessing no consolation but the attentions of my family, my sorrows have received an addition, by finding recalled into notoriety scenes which, though not to be obliterated from remembrance, were still not the object of public discussion.

But, notwithstanding the shock at first occasioned, I afterwards blessed Divine Providence, on perceiving that it thus offered me the opportunity, hitherto unattained, of giving explanations to my countrymen without being chargeable with an infringement of prudence and discretion.

Let not my intentions be mistaken. I do not write through fear, since my person is protected by laws emanating from the throne itself; and, whilst under the government of a just king, I have nothing to apprehend from arbitrary violence. I write in compliance with the call of my conscience, and the interests of my family, towards which I have duties to fulfil; I write to tell the truth, even in what may be to my own detriment! I pretend not, then, to justify either the form or the matter of the judgment; but I wish to shew under what a powerful union of circumstances it was awarded; I wish to throw off from myself and my colleagues the imputation of having acted as party men. If we are still to receive blame, I hope that we shall also be pitied, and that it may be said of us: “*They were most unfortunate!*”

On the 29th Ventose, year XII.* at seven in the evening, I received notice to repair immediately to the Governor of Paris, General Murat: by him I was ordered to proceed, with the least possible delay, to the chateau of Vincennes, in the capacity of President of a Commission which was to be formed there; and, on my observing that I required a written

* 20th March, 1804.

order from him, he added, " That order will
 " be sent to you, together with the decree of
 " the government, as soon as you arrive at Vin-
 " cennes. Depart quickly ; you will scarcely
 " have reached the place, when those papers
 " will be put into your hands." These were
 his own expressions.

I was entirely ignorant of the purpose of this commission, and continued so for a long time after my arrival at Vincennes. The members who were to compose it, with myself, arrived in succession at the several hours enjoined them in the orders they had separately received. When asked by them, *whether I knew wherefore we were called together, I replied, that I was as little informed of it as themselves.* Even the commandant of the chateau of Vincennes, M. Harel, replied to my enquiry on the subject, *that he knew nothing of it ;* adding, when he perceived my surprise, *What can I say? I am nobody here now ; every thing is done without my orders or participation. It is another person who has the authority.*

In fact, the gendarmes *d'élite* were now filling the chateau ; they occupied every post belonging to it, and maintained such rigorous guard, that one of the members of the commission remained upwards of half an hour at the wicket before he could make himself known.

Another, who had been ordered to repair directly to Vincennes, without farther explanation, imagined that he was sent thither to be imprisoned.

Thus were we about to act as judges in a cause unhappily too celebrated, without any preparation whatever! Towards ten o'clock in the evening, we were extricated from our uncertainty, by the communication to me of the following documents, by authority, from General Murat. They were the papers of which I have already spoken :

1. The decree of the government, dated 29 Ventose, year XII. (20th March, 1804), setting forth the charges against the accused.

2. An order from the General-in-Chief Murat, Governor of Paris, naming the members of the commission.

I should remark, with respect to the formation of this commission, that there was nothing extraordinary in it. It consisted of colonels commanding the different corps then in garrison in Paris. The measure itself was of a general nature, and we all have to attribute to the accident of our being in that city, our selection for this purpose.

The presidency belonged, of right, to the highest in rank. For this reason I became the President.

It was directed, by the order of the Governor of Paris, that the commission should meet immediately and give judgment without separating: but as it was not found possible to conclude the interrogatories commenced by the reporter until near midnight, it was not until that hour that the commission opened its sitting.

I ought to notice that my colleagues and I were entire strangers to legal knowledge. Each had obtained his distinction on the field of battle; none had the least notion of judicial matters; and what was still worse, the reporter and the clerk had no more experience than ourselves.

The reading of the documents gave rise to an incident. We observed, that at the close of the interrogatory had before the captain-reporter, the Prince, before signing, wrote with his own hand some lines, in which he expressed a wish to have an explanation with the First Consul. A member proposed to transmit this request to the government. The commission postponed it; but at the same moment General, who came and stood behind my chair, represented to us that this request was *inopportune*. Besides, we found no provision in the law that could authorise us to suspend the business. The commission then proceeded, proposing to satisfy

the wishes of the accused after the close of the discussion.

Several documents were added to the proceedings; some intercepted letters, a correspondence of M. Shée, then prefect of the Lower Rhine; and in particular, a long report of Réal, counsellor of state, wherein the whole affair, with its ramifications, was represented as affecting the welfare of the State, and the very existence of the government: in a word, this report contained every thing that was calculated to impress on our minds the belief that the safety of the State depended on the sentence which was to be given.

I proceeded to interrogate the accused, and I must say that he appeared before us with a noble confidence; he rejected with indignation the charge of being directly or indirectly concerned in a plot to assassinate the First Consul, but avowed at the same time his having borne arms against France; adding, with a courage and firmness that baffled all our attempts to make him waver on this point, for his own sake, that he had supported the rights of his family, and that a Condé could never re-enter France without arms in his hands. My birth and sentiments, said he, make me for ever the enemy of your government.

His resolute confessions distressed his

udges to the utmost. Ten times did we endeavour to prevail on him to retract; but he was immoveable. "I perceive," said he, "the honourable intentions of the members of the commission, but I cannot avail myself of the terms they offer me." Being told that military commissions decided without appeal, "I know it," he replied to me, "and I am aware of the danger I am in. I only desire to have an interview with the First Consul."

What could the members of the commission do?—Let the circumstances of that period be considered. We were bound by our oaths to the government then existing. Appointed as judges, we were constrained to become judges, under pain of being tried ourselves. Thus forced to administer laws we had not made, and of which we were unhappily constituted the organs, wherefore did those laws, when consulted by us, point only, in reply, to a cruel punishment which they afforded us no means of mitigating?

We should have declared ourselves *incompetent*, it is said.—To have done so, that measure should have been proposed to us. We were not lawyers; competence seemed to us to result from the single fact that a decree of the government commanded us to try the accused.

“ There should at least have been a legal defender assigned to him ; for then, all that you declare yourselves to have been ignorant of, would have been pleaded on behalf of the Prince ! ”—This excessive remissness on the part of the captain-reporter would have been remedied on mine ; but the Prince never demanded a counsellor, and I was not reminded of this duty by any one of the members. The same observations apply to the irregularity in the conduct of the trial, and the flaws objected to in the form of the judgment.

I shall observe, with respect to the double minute, that the estimable author of the *Discussion des Actes de la Commission Militaire* was ignorant of one fact not contained in the documents.

The bundle of papers communicated to him, and which he could not have obtained but through the person I had entrusted with them in 1815, were my private documents, and not the official ones of government, which must exist in the archives either of the War or Police department, together with the Report of the Counsellor of State Réal and the other documents, unless they have been stolen.

Many forms of judgment were attempted, among others that which has been published as a proceeding in the trial ; but after it was

signed, it did not appear to us regular, and we made the clerk draw it up in a new form, founded principally on the report of the Counsellor of State Réal, and the answers of the Prince.

This second form, which constituted the *real minute*, is the only one that ought to exist. The other should have been immediately destroyed. If it has not, the omission arose from forgetfulness on my part. Such is the exact truth.

Besides, there cannot in either case be any ground for reproach against us, and we admit willingly the dilemma proposed by the *Journal des Debats*. It is this, that at any rate the sentence could not legally be executed immediately after judgment. The first minute could not be acted upon, for it was incomplete though signed by us. It contained blanks not filled up, and was not signed by the clerk. The reporter, therefore, and the officer charged with the execution, could not conscientiously have considered this a true judgment. As to the *second*, the only true one, as it did not convey an order for *immediate execution*, but merely to read forthwith the sentence to the condemned, the immediate execution could not have been the act of the Commission, but solely of those who, upon their own responsibility, hastened the fatal execution.

Alas! we had far different thoughts. Hardly was the sentence signed when I began a letter, with the unanimous consent of the Commission, to inform the First Consul of the desire expressed by the Prince to have an interview with him, and to conjure him to remit a punishment, which the difficulty of our situation did not permit us to elude.

It was at this moment that a man who had remained all the time in the Council Hall, and whom I would instantly name, did I not consider that, in defending myself, I ought not to become an accuser, approached me, and said,—"What are you doing there?"—I am writing, said I, to the First Consul, to inform him of the wishes of the Council and of the condemned. "Your business is done," said he, taking the pen: "the rest belongs to me." I protest it was my conviction, and that of many of my colleagues, that he meant to say:—It is my business to inform the First Consul.

The reply, understood in this sense, permitted us the hope that the representation would not be withheld. I remember only the feeling of vexation that I experienced, on seeing myself thus deprived by another of the best privilege belonging to an office that is always so painful. And how could the idea possibly have occurred to us, that any of those

around us might have been ordered to omit the formalities prescribed by the law ?

I was conversing on what had just passed, in the porch adjoining the hall where the proceedings had been held : separate conversations were going forward : I was waiting for my carriage, which, as it could not come into the interior court, any more than those of other members, occasioned my stay as well as theirs. We were closed in so that no person could communicate from without, when an explosion was heard—a horrible sound, which filled us with terror and affright.

Yes, I swear, in the name of all my colleagues, this execution was not authorised by us. Our judgment purported that a copy of it should be sent to the Minister at War, the Grand Judge, the Minister of Justice, the General-in-chief, and the Governor of Paris. The order for execution could only be properly given by the last. Copies of the judgment had not yet been despatched. They could not have been completed before the lapse of some part of the day. On my return to Paris, I should have waited on the Governor and the First Consul ; perhaps But suddenly a dreadful sound informs us that the Prince is no more !

We know not whether he who so cruelly

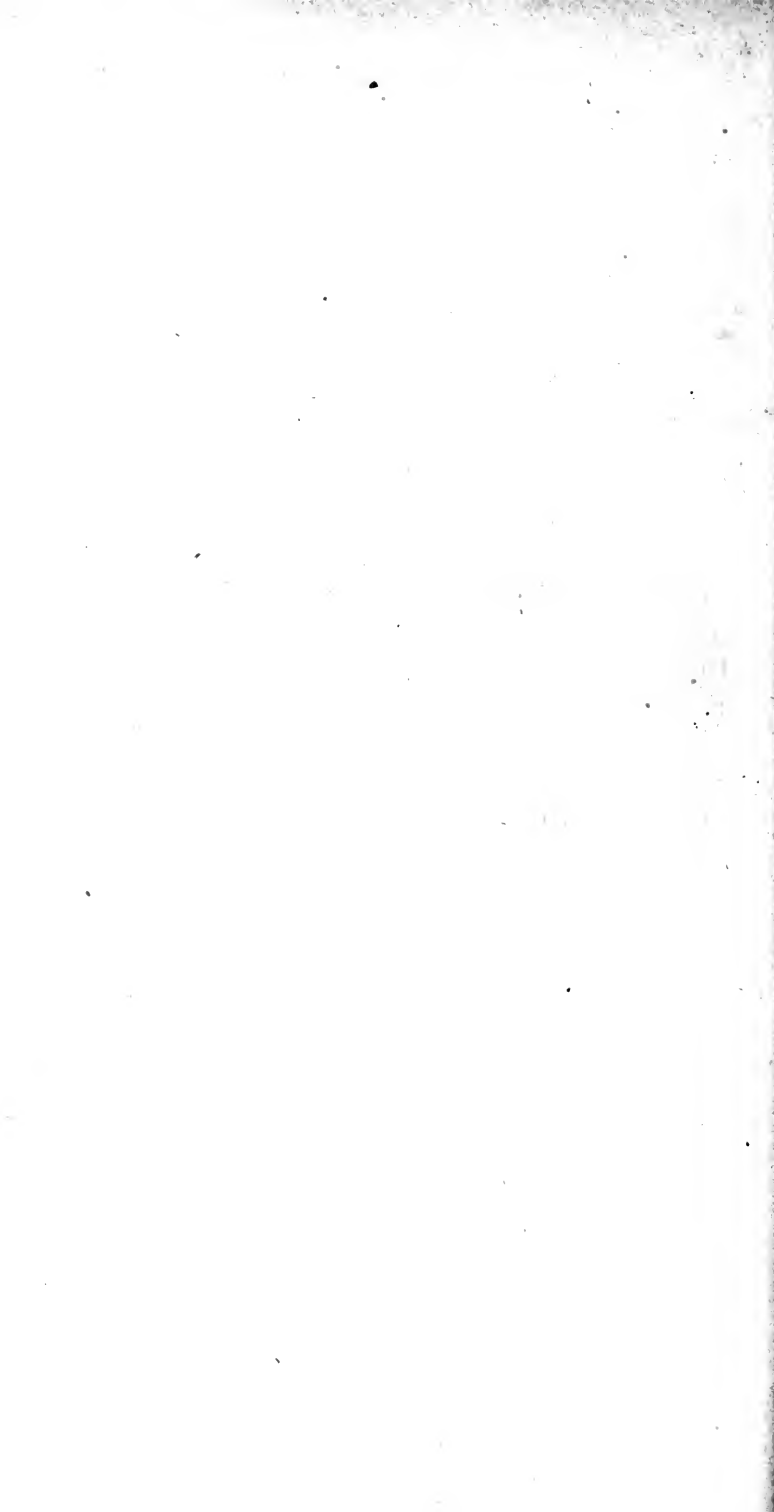
precipitated the execution, acted in pursuance of orders, or not. If not, he alone is responsible; and if by orders, still the Commission, unacquainted with those orders, assembled by private summons, and earnestly desirous to save the Prince, could not prevent their being carried into effect. They are not chargeable with the result.

Again I repeat, how hard is my lot! The lapse of twenty years has not allayed the bitterness of my regret! My avowal is not the result of weakness. It would lose its whole value if destitute of all dignity. Let me be accused of ignorance or of error—I acquiesce. Let me be reproached with a submission, from which I should now well know how to release myself under similar circumstances—with my attachment to a man whom I thought destined to effect the happiness of my country—with my fidelity to a Government which I then thought legitimate, and to which I was bound by my oaths ; but, let allowance be made both to me and my colleagues, for the fatal circumstances under which we were summoned to decide:—let it be said of us, *They were most unfortunate!*

MEMOIR

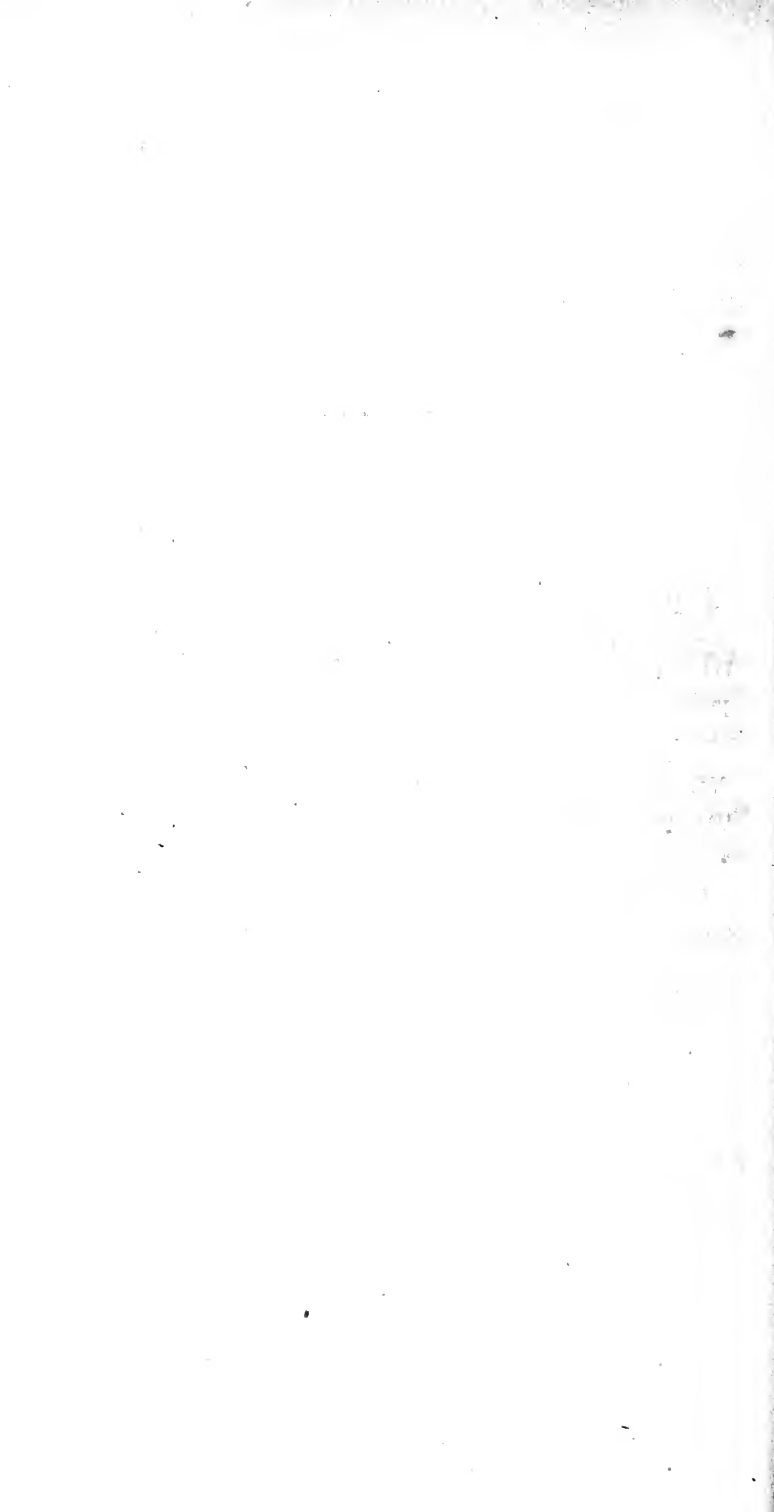
OF

M. DUPIN.



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P R E F A C E.

I WAS but twenty years of age when the news of the death of the Duke d'Enghien became known in Paris. This event made the deepest impression upon me. I supposed the judgment to be regular; I nevertheless pitied the fate of the victim, although he was unknown to me.

A few years afterwards, in 1809, having composed a little work entitled *History of the Roman Law*, at a period when the undisguised despotism of the new Emperor resembled in more than one respect that of the masters of Ancient Rome, the remembrance of the Duke d'Enghien occurred to my mind, and as I brought my work down to the reign of the successor of Augustus, I said of that monarch, " He at first made use of policy and circum-
" spection; and as long as he had reason to

“ fear Germanicus, uncertain of his own power
 “ (*ambiguus imperandi*), he made no law with-
 “ out consulting the Senate, or without veiling
 “ his acts under the tribunitian authority. *But*
 “ *when once he had stained his hands with the*
 “ *blood of that young prince, whose virtues, noble*
 “ *qualities, and popularity in Rome, rendered him*
 “ *formidable, a total change took place in his con-*
 “ *duct.* His device was, Let me be hated,
 “ provided I am feared: *oderint dum metuant.*”
 Government did not think fit to overlook this
 passage: I was summoned before the police,
 and it was undeniably proved to me, that
 Germanicus meant the Duke d’Enghien, and
 that the censure I passed on the Roman Em-
 peror was a reflection on the *Emperor of the*
French. My book was seized at my house and
 at the printer’s—the edition was suppressed.
 I was not, however, personally prosecuted, be-
 cause books rather than authors were then the
 obnoxious objects; and it was thought more
 advisable to stifle thought in silence, than to
 excite notice by bringing it before the tri-
 bunals.

At a subsequent period, happening to see
 the proceedings in this trial, they powerfully
 excited my curiosity; and the examination of
 them suggested to me the reflections contained
 in the following pages.

The manuscript remained in my portfolio ; for every one has his own. I communicated it to very few persons,* and I should never have taken upon myself to recall the attention of the public to this distressing subject, had not others led the way.

But since the fate of the Duke d'Enghien is now become the subject of new discussions ; and as these discussions appear very likely to mislead the public, because every disputant takes it for granted that the proceedings on the trial are irretrievably lost ; as it is in my power to make known the truth, it is my duty to do so, without party-spirit, without mingling in a quarrel I am not concerned in ; but at the same time declaring, as every honest man ought to do, my personal disapprobation of an action which morality reprobates, which no motive, not even a political one, can be found to palliate or to justify ; and the recital of which ought not to pass down to posterity without the execration it merits.

It will, perhaps, be objected to me, “ you are criticizing a trial : you forget the authority of *a judgment given.*” With deference to

* It is quoted in the Annals of the French Bar (Modern), vol. v. p. 607.

the friends of all judgments thus given, they can neither deprive the historian nor the lawyer of the right of examining such acts. Never, never can the august character of a real judgment given, which is to be reputed the truth itself, be applied to a political condemnation, of which the injustice and the illegality are demonstrated with equal clearness: in such cases, he who gives judgment must afterwards submit to receive it.

EXAMINATION

OF THE ACTS OF THE MILITARY COMMISSION APPOINTED
IN THE YEAR XII, BY THE CONSULAR GOVERNMENT,
FOR THE TRIAL OF THE DUKE D'ENGHIEN.

THE death of the unfortunate Duke d'Enghien was one of the most afflicting events that ever befel the French nation—it was a disgrace to the French Government.

A young Prince, in the flower of his age, surprised by treachery, in a foreign land, where he slept in peace under the protection of the law of nations; dragged by violence into France; brought before the pretended judges, who could in no case be *his* judges; accused of imaginary crimes; denied the assistance of counsel; interrogated and condemned with closed doors; put to death in the night in the ditch of the castle that was used as a state-prison:—so many virtues disregarded, such hopeful talents destroyed, will for ever stamp this catastrophe as one of the

most revolting acts that an absolute Government ever ventured to commit.

The semblance of judicial forms, even had they been punctually observed, would not diminish the frightful iniquity of the judgment. Had the laws of that period authorized such a condemnation, they would be a disgrace to the legislature which had made them; and the judges, had they even possessed the power of pronouncing sentence, would still have been abandoned to everlasting remorse for having sacrificed the innocent.

But if, in fact, no form was respected—if the judges were incompetent—if they did not even take the trouble to state in their decision the laws on which they affected to ground this cruel condemnation; if the unfortunate Duke d'Enghien was shot by virtue of a sentence signed *in blank*, and which was not completed until after the execution!—the case is not that of an innocent victim of judicial error; but assumes its true name—a detestable assassination.

Can there be any occasion to prove this assertion? The glory of the Duke d'Enghien certainly requires no evidence. But France, which deplored the loss of that young hero, which saw in him the worthy heir of that illustrious name of Condé, to which our arms are indebted for so much glory; France will feel

it some consolation to learn, that the death of the Duke d'Enghien was the crime of a few individuals, and not that of the laws! The French will see new reasons to rejoice in the abolition of the military government; and to respect and cherish the institutions which, under the constitutional monarchy, guarantee the honour, the life, and liberty of every citizen.

I.

Illegality of the Arrest of the Duke d'Enghien.

The Duke d'Enghien relates the circumstances of his arrest in a journal in his own hand-writing, of which a copy was left amongst the papers relating to the trial, in the following terms. The simplicity of this narration is interesting:—

“ On Thursday the 15th, at Ettenheim, my
 “ house was surrounded by a detachment of
 “ dragoons, and by piquets of gendarmerie,
 “ in all about 200 men, the colonel of the
 “ dragoons, and Colonel Charlot of the gen-
 “ darmerie of Strasburg, at five o'clock in
 “ the morning. At half-past five the doors
 “ were broken open, and I was carried off to
 “ the mill near the tile manufactory. My
 “ papers seized, and sealed up. Conducted
 “ in a cart between two rows of fusileers as
 “ far as the Rhine. Embarked for Rhisnau.

“ Landed and marched on foot to Pfofsheim.
 “ Breakfasted at the Inn. Got into a coach
 “ with Colonel Charlot, the quarter-master of
 “ gendarmes, a gendarme on the box, and
 “ Grunstein. Arrived at Strasburg, at Colonel
 “ Charlot’s, about half-past five. Removed
 “ half an hour after, in a fiacre, to the citadel.”

The law of the 28th of March, 1793, art. 74, and that of the 25th Brumaire, year III, title 5, sect. 1, article 7, decreed that the emigrants who, having borne arms against France, should be arrested, *either in France, or in any hostile or conquered country, should be tried within twenty-four hours, by a commission of five members* appointed by the officer at the head of the staff of the division of the army in whose district they should be seized.*

The law of the 19th of Fructidor, year V, had extended this measure to all the emigrants who should be arrested *within the territory of the republic*; but it was provided, by article 17, that the military commission for their trial should be composed of seven members, appointed by the general commanding the division, and occupying the district in which they should be taken.

* This number was afterwards, by other laws, increased to seven.

But there are three observations to be made on this subject.

In the first place, the Duke d'Enghien could not be ranked simply amongst the emigrants: in his quality of a French prince, he was in a separate class. In the language of the laws, those persons were called emigrants, whose absence had been merely voluntary, and who could return on obtaining the erasure of their names from the list. But the Bourbons had not this privilege: it had been declared by an insolent decree, that *no French princes should in future be acknowledged; and that they were forever banished from the territory.*

Secondly, the Senatus-Consultus of the year X. had been promulgated two years before the seizure of the Duke d'Enghien, and more humane measures (under the too often deceitful name of *amnesty*) had mitigated the laws relating to the emigrants. The manners of the nation, which had laid aside the revolutionary fury and begun to assume its natural gentleness, had even done more; as we find by the writings of a man who is not suspected of partiality to the emigrants. The editor of the *Nouveau Répertoire de Jurisprudence*, under the word *Commission*, sect. 1. § 5. No. 1. after reciting the laws of the 28th of March, 1793, 25th Brumaire, year III, and 19th

Fructidor, year V, expresses himself in the following terms :—“ These laws, in strictness, “ would still be applicable to the emigrants “ who have not availed themselves of, or who “ are excepted from the amnesty proclaimed “ by the *Senatus-Consultus* of the year X ; “ *but the government always confines itself to “ causing such of them as have been taken in the “ French territories to be deported out of them.*” The government, then, had relinquished the ferocious right of putting them to death.

And thirdly, even if the title of emigrant could have been lawfully applied to the Duke d’Enghien ; even if the sanguinary laws enacted against the emigrants had been in full vigour ; it is still incontestable that they could only be applicable to such of them as should be arrested in the territory of the Republic, according to the tenor of the law of the 19th of Fructidor, year V ; or, if we go back to the laws of 1793 and of year III, to those who, having borne arms against France, should be arrested *either in France, or in any enemy’s or conquered country.*

Now, the Duke d’Enghien was not arrested in France ; he resided in a foreign state, which was *neither an enemy’s country nor a conquered country.* The chateau of Ettenheim, where the Duke d’Enghien was attacked, situate four

leagues from Strasburg, on the right bank of the Rhine, *belonged to the Elector of Baden, a sovereign prince* with whom France was *at peace*. The Duke d'Enghien had long resided at Ettenheim in perfect confidence of safety; which confidence was strengthened by the circumstance that the electoral court, careful to avoid every pretext for a rupture with its formidable neighbour, had consulted the consular government with respect to the propriety of allowing the Duke to reside at Ettenheim, before it authorized him to do so.

The arrest of the Duke d'Enghien was, therefore, contrary to the faith of treaties, in formal opposition to the law of nations, which proclaims the independence of sovereignties, and the inviolability of territories, (except in the case of war lawfully declared); and his Majesty the King of Prussia was justified in saying, in his manifesto of the 9th of October, 1806: “ *The independence of the German territory has been violated, in the midst of peace, in a manner insulting to the honour of the nation. The Germans have not avenged the death of the Duke d'Enghien; but never will that crime be effaced from their memory.*”

Consequently, the person of the Duke d'Enghien did not come into the hands of his enemies in a legal manner. He was not a prisoner of

war, for he was not taken in arms, but in time of peace; he was not a prisoner by any civil right, for he had not been summoned to appear. It was a mere violent seizure of his person, which may be compared to the captures made by the pirates of Tunis and Algiers; an inroad made by robbers, *incursio latronum*.—Such an arrest could not, therefore, subject the party arrested to trial by any French tribunal.

II.

Incompetence of the Military Commission.

This commission was assembled by virtue of a decree of the First Consul, dated the 29th Ventose, year XII, (20th March, 1804,) for the trial of the Duke d'Enghien, accused of having borne arms against the republic, of having been, and of being still, in the pay of England; and of being concerned *in the plots contrived by the said power against the internal and external safety of the republic.* (No 2.)*

By an order signed the same day by Murat, the governor of Paris, (No. 3,) the members of the commission are appointed and ordered to assemble forthwith to try (*pour juger*) the accused “on the charges set forth in the decree issued by government,” (above mentioned.)

It will, hereafter, certainly appear very ex-

* See the *Appendix of Documents.*

traordinary, that the *heads of the condemnation* are not the same as the *heads of the accusation*: but for the present, looking only at the text of the warrant, it will be seen that the Duke d'Enghien is accused of *plots contrived against the internal and external safety of the republic*.

Now the cognizance of such plots was never vested in military commissions, but was always reserved to the ordinary tribunals. Had the military commission even been competent to take cognizance of the other charges, it could never, even under the pretext of its connexion with them, take cognizance of the accusation of a plot against the safety of the state: it ought, at all events, to have declared itself incompetent in this respect. This point of jurisprudence was recognized and avowed by the minister of justice, in his report of the 4th Ventose, year V,* on the affair of Dunan, Brottier, and De la Villeurnoy; a report which was inserted in the bulletin of the laws, (2d series, No. 1021,) with the sanction of the Directory.

This incompetence of the military commission, which appears on the very face of the accusation, vitiates in the outset any judgment

* In this report, the minister has the hardihood to treat Louis XVIII. as a *rebel*. "What is *this pretended Louis XVIII.*," says he, "but a *rebel*?"

it could pronounce: for it must have given judgment without power to do so; than which there is no greater defect. *Nullus major defectus quam potestatis.*

III.

Irregularities in the Trial.

The primary characteristic of this infernal proceeding is, that every thing was done by night.

“In the twelfth year of the French republic, “this present 29th of Ventose, *at twelve o'clock at night*, I, captain-major, &c.” says the interrogatory (No. 4.)

Thus it was at midnight that the examinations commenced!

Now it is a general rule that all proceedings should be carried on in the day-time. “Justice and execution thereof ought to take place in the day-time,” says Loysel in his *Opuscules*, p. 155.

At midnight, then, the captain-reporter introduced himself into the chamber in which the Duke d'Enghien lay, awakened him,* and began his interrogations!

“What rank did you hold in Condé's army?” —“I commanded the van in 1796,” replied

* Thus the great Condé slept quietly on the eve of the battle of Rocroy.

the hero. “And afterwards?”—“Always in
“the vanguard.”

The rest of his answers shew the same greatness; a frankness that was by no means rough,—a kind of haughty modesty.

He had only served under the command of his grandfather.

He was not in the pay of England; he received an allowance for his maintenance from that power. He needed it. “*I have nothing
“else to live upon,*” said the descendant of twenty kings!

He had, moreover, kept up no correspondence, except with his grandfather and his father. The latter he had not seen since 1795.

He had never seen General Pichegru; and had no correspondence with him, or with Dumouriez, whom, likewise, he had never seen.

He insisted that he had never kept up any such correspondence in the interior of France, as was imputed to him.

The interrogatory concludes with these words: “Previously to signing the present
“*procès-verbal*, I earnestly request a private
“audience of the First Consul. My name, my
“rank, my known way of thinking, and my
“dreadful situation, induce me to hope that he
“will not refuse my request.”

Vain hope! the lofty mind of the Prince supposed his enemies to be possessed of magnanimity!—Far other resolutions had been formed—far other orders had been given.

The interrogatory was closed, and signed by the Duke, the captain-reporter, and the clerk. But the omission of two substantial formalities is remarkable in it. In the first place it is not mentioned that the prisoner was allowed to *read it*; although the 17th article of the law of the 13th Brumaire, year V,* imperiously prescribes this formality.

“ The interrogatory being finished, the accused shall be allowed to read it, in order to declare whether his answers have been faithfully minuted, whether they contain the truth, and whether he persists therein, in which case he shall sign, &c.” This form was the more essential in the present case, because there were no documents or witnesses against the Duke, and the commissioners seem to have decided merely upon conclusions drawn from this interrogatory.

Secondly, The same law, article XIX, con-

* The law of the 13th of Brumaire, year V, regulating the mode of proceeding in *Councils of War*, has been declared applicable to *military commissions*. See the work entitled *Guide des Juges Militaires*, page 93, and the opinion of the Council of State, 7th Ventose, year XIII.

tains the following provision: “ After having
 “ closed the interrogatory, the reporter shall
 “ direct the accused *to make choice of a friend*
 “ *to defend him.*—The accused shall be *at*
 “ *liberty to select this defender* from amongst the
 “ citizens of all classes present on the spot;
 “ should he declare that he cannot make this
 “ choice, the reporter shall do it for him.”

Alas! the Prince had no friends amongst those who surrounded him: this fact was cruelly declared to him by one of the abettors of this horrible scene! Why were we not present? why was not the Prince allowed to make an appeal to the bar of Paris? There he would have found friends and defenders; supporters of his rights; advocates who, like their predecessors and successors, would have shewn themselves emulous of the honour of offending despotism, and fearless of its resentment!

The Duke was alone!—but let us speak only of the law: it was disregarded in this essential point; the notification which, even for form's sake ought to have been given, was not given: no defender was officially assigned to the Prince, on his having omitted to choose one himself; in short, *he was not defended at all!* Now a person accused, without a defender, is nothing but a victim abandoned to the errors and passions of his judge; and he who condemns a

man without defence, is not armed with the sword of the law, but with the dagger of an assassin.

IV.

Defects of the Judgment.

The interrogatory took place on the 29th Ventose, *at midnight*.

On the 30th Ventose, *at two o'clock in the morning*,* the Duke d'Enghien was introduced before the military commission. What horrible precipitation !

The minute of the judgment states, that the council was assembled "for the purpose of trying the *ci-devant* Duke d'Enghien on the charges set forth in the decree thereinbefore referred to (that of the 29th Ventose);" and consequently, on the accusation of *plots against the safety of the state*; an accusation respecting which, as we have shewn already, the commission ought to have declared its absolute incompetence.

The President caused the accused to be

* See No. 5, the minute of the Judgment, containing these words, "This day the 30th of Ventose, in the XIIth year of the republic, *at two o'clock in the morning*." These words *two o'clock in the morning*, which were only introduced because that was, in fact, the hour, are effaced from the minute, but no other indication has been substituted in their place. *Litura tamen extat.*

brought in, and ordered the captain-reporter to produce the documents both for the charge and defence, *one in number* (that is to say, the decree by which the affair was referred to the commission.)

This assertion is false, as it regards documents for *the defence*: there were none, therefore none could be produced or read. This was an empty formula. It may even be asserted, that there were no documents for *the charge*; for the only paper that was read, namely, the decree for the trial, was neither for the prosecution nor for the defence, it was a mere authority to proceed, a foundation of the trial, which left the question just as it stood, to be judged according to the charges and justifications that should be produced.

Not a single witness was produced or heard against the accused.

The interrogatory alone remained; but even supposing that interrogatory regular, and to have contained the most formal confession of all the facts charged in the accusation, it could never have sufficed, alone, to establish a proof of guilt against the accused, sufficient to justify a condemnation, and particularly a capital sentence! This is a constant maxim amongst the professors of criminal jurisprudence.

The omission in the interrogatory relative to

the choice of counsel, was not rectified on the trial.

Finally, as to the judgment itself, we subjoin a copy of it, literally transcribed from the minute. (See No. 5.)

“ The Commission, after having allowed the
 “ accused a reading of his declarations, by
 “ means of the President, asked him whether
 “ he had any thing to add to his defence; he
 “ replied that he had nothing more to offer,
 “ and persisted in that declaration. The Pre-
 “ sident caused the accused to withdraw.
 “ The council deliberating with closed doors,
 “ the President collected the votes, beginning
 “ with the junior in rank, the President having
 “ given his vote last: the *unanimity* of votes
 “ declared the prisoner guilty, and applied to
 “ him the ——— article of the law of ———
 “ conceived in these terms (all in blank); and
 “ has consequently condemned him to death.”

What a monstrous form of giving judgment! Never, perhaps, was the contempt of all forms carried so far!

The accused is *declared guilty!* Guilty of what? The judgment does not inform us.

The abovementioned law (of the 13th Brumaire, year V.) enacts (Article 30,) “ The
 “ President shall put the questions in the fol-
 “ lowing manner: N—, accused of having com-
 “ mitted such an offence, is he guilty?” Now

in this judgment, the original of which I have seen, held in my hand, and literally copied, no question is stated to have been put.

In penal matters it is an invariable principle, that every judgment pronouncing a penalty, ought to contain a reference to the law by virtue of which such penalty is inflicted.

In particular, the 25th article of the law of the 3d Brumaire, year V, says, "The President shall cause to be brought and laid before him, on the bureau, a copy of the law;* the procès-verbal shall mention this formality."

Again, article 35 provides, that "The President, after having pronounced aloud, and caused to be inscribed in the procès-verbal, the decision of the council on the guilt of the accused, shall read *the text of the law*, and apply the penalty pronounced by council."

In the present case, not one of these forms was complied with! There is not a word in the procès-verbal to shew that the commissioners had *a copy of the law* before their eyes; there is nothing to prove that the President read the text of the law before he applied it to the accused. On the contrary, the very

* We can readily conceive that the *Bulletin des Lois* was not in the library of the dungeon of Vincennes.

form of the judgment affords proof, that the commissioners pronounced condemnation without knowing either the date or the tenor of the law; for, in the minute of the sentence they have *left in blank* the date of the law, the number of the article, and the place in which the precise words should have been quoted.

And yet the noblest blood was shed by executioners, upon no better authority than the minute of a sentence in which there were all these imperfections!

But let us continue the examination of this dismal monument of ignorance and infamy.

The deliberation ought to be secret, but the judgment ought to be pronounced in public. The law tells us: "The opinions having been thus collected, the President is to cause the doors of the council-chamber to be re-opened." (Law of the 13th Brumaire, year V. art. 34.) Now the judgment of the 30th Ventose says, indeed, "The council deliberating with closed doors," &c. But it does not mention that the doors were opened again, or give any intimation that the result of the deliberation was pronounced *in public sitting*. And if it had said so, who would believe it? A *public sitting* at two o'clock in the morning at the dungeon of Vincennes! when all the outlets of the castle were.

guarded by *gendarmes d'elite* ! But the fact is, not even the precaution of a lie was used ; the judgment is silent on this point.

This judgment is signed by the president and the other six commissioners, including the reporter ; but it is to be remarked, that the minute is not signed by the clerk, whose concurrence was, however, necessary to give it authenticity. “ The clerk (says the 36th article of the above-mentioned law) shall *write down the judgment*, with its grounds, at the foot of the *procès-verbal*, which shall then be closed and *signed by all the members of the council*, by the reporter, and *by the said clerk*.”

Thus the sentence pronounced against the Duke d'Enghien, from one end to the other, in every part, exhibits the most scandalous violation of all forms. It has nothing of a judgment but the name !

It concludes, however, by this terrible formula : “ Orders that the present sentence “ shall be *immediately* executed, under the care “ of the captain-reporter.”

IMMEDIATELY ! words of despair, the work of the judges themselves ! *immediately* ! although an express law, that of the 15th Brumaire, year VI, granted an appeal for revision against all military judgments ! and the law of the 27th Ventose, year VIII, likewise gave

the privilege of applying for a cassation of any military judgment, on the ground of incompetence or excess of power*.

The decree of the 17th Messidor, year XII, which decided that the judgments of special military commissions should not be impugned by recourse to any other tribunal, was not then in force; and, besides, this decree, severe as it was, did not ordain that the sentences should be executed immediately, but “shall be executed within twenty-four hours after they shall be pronounced.” And lastly, the judges were not ignorant that the prisoner, at the close of his interrogatory, had *earnestly* requested to speak to the First Consul. Why then those unusual words—“shall be executed *immediately*”?

It was two o'clock in the morning; day was about to appear; and the head of the government, without whose positive orders no one would have dared to dispose of such a prisoner as the Duke d'Enghien, was not willing that the people of Paris should find, on awaking, that a Prince of the house of Bourbon was in

* “If there were an appeal of this nature, we think that after the sentence of the military commission, the judges might suspend the execution of the judgment, and wait until the supreme tribunal of the empire should reject or admit the appeal.”—*Le Guide des Juges Militaires*, p. 93.

existence, so near the capital, in the dungeon of Vincennes.

V.

The Execution.

The Duke d'Enghien, after being interrogated by night, and tried by night, was put to death by night: it was not fit that day-light should witness so atrocious a crime!

This horrible sacrifice was to be consummated in darkness, in order that it might be said that all laws had been infringed; all, even those which direct the publicity of executions, as a last security to misfortune against illegal and barbarous punishments.*

On descending into the fossé, the Duke d'Enghien was desired to kneel down. "A Bourbon," replied he, "bends his knee to none but God." He was denied the consolations of religion.

In the *Biographie des Contemporains*, a work printed at Brussels in 1818, although it is generally written in a spirit highly favourable to Bonapartism, the following appears under the article *Enghien*: "The night being very dark,

* Penal Code of 1791, art. 5; code of Brumaire, year IV, art. 445; decree of the 16th of August, 1793, which, while it directs an exception, sanctions the principle.

“ a lantern was fastened on his breast, to serve
 “ as a mark for the soldiers to aim at * ; he
 “ was afterwards thrown, dressed as he was,
 “ into a grave, which had been dug the pre-
 “ ceding evening whilst he was at supper.”
 The grave of a person accused dug before his
 trial! Such were the proceedings in the case
 of the Duke d’Enghien!

The *Biographie des Contemporains*, is, how-
 ever, mistaken in saying that the Prince was
 shot by soldiers. “ The truth of history re-
 quires it to be stated, that this crime was
 perpetrated by gendarmes *d’Elite*.”†

VI.

Occurrences after the Execution.

The death of the Duke d’Enghien became
 known in the capital at the same time as the
 prosecution against him. The impression it
 made was terrible. The First Consul himself

* According to another account, the Duke d’Enghien
 himself took this lantern and held it with a firm hand, to the
 moment of the discharge; all accounts, however, agree in
 this, that it was found necessary to have a lantern to effect
 this horrible execution by. The variations in the deposi-
 tions arise from the circumstance that all the witnesses were
 not equally well situated for distinguishing objects in the
 dark.

† *Biographie Universelle*, printed by Michaud.

was dismayed. Perhaps he thought his chosen servants had too punctually executed his orders! But the deed was done, the crime consummated; all that remained was to justify it, if possible, in the eyes of the people and the senate.

It was thus that Caracalla, after embruing his hands in the blood of Geta, wanted to employ the jurisconsult Papinian to justify this parricide before the senators. Papinian refused, saying that *it was easier to commit a crime, than to find an excuse for it*; and on the tyrant's urging his request, Papinian replied, that to accuse an innocent man after having put him to death, was committing a second parricide.

The instruments of the First Consul were not all so courageous as Papinian.*

They seemed to second his views with the utmost zeal, and in a manner to legalize assassination, by adding to the sentence, which it was found necessary to publish, motives and forms intended to justify the condemnation.

* Some opposition was, however, offered to the death of the Duke d'Enghien; the voice of the public has proclaimed the entreaties of Josephine, Cambacérès, &c.; but at that time all were silenced by a "*Such is my will*:"

Sic volo, sic jubeo, stet pro ratione voluntas.

The counsellor of state *specially charged with the examination and prosecution of all cases concerning the tranquillity and internal safety of the republic*, wrote to the president the same day, requesting him to send him the judgment pronounced that morning against the Duke d'Enghien. (See No. 6.)

The same counsellor of state also wrote a second letter, on the same day, in which he says "I am waiting for the judgment and interrogations of the ex-Duke d'Enghien, in order to proceed to Malmaison, to wait on the First Consul." (No. 7.)

The following day Murat, who had proceeded from *the commission at Vincennes*, where he had directed the condemnation of the Duke d'Enghien, to Paris, to expedite the trial of other persons accused, who had, about the same period, been brought before the special criminal tribunal of the Seine.--Murat, I say, wrote to the general who had acted as president of the commission, "My dear Hullin, "send me, I beg, a copy of the interrogatory "upon which the *ci-devant* Duke d'Enghien "was examined. It may be *useful* to citizen "Thuriot." Citizen Thuriot, who was at that period preferring the charges against Pichegru and his companions!

Thus the judgment pronounced against the

Duke d'Enghien seems to have been remodelled, and put into a new form, with more deliberation than at first, merely to take advantage of it in another trial, and to render it more fit to be presented to the public.

In fact, in the bundle of papers communicated to me, and from which I faithfully copied every document, independently of the original minute of the judgment, of which I have given an account in section IV, and which alone bears the signatures of all the members of the commission, except that of the clerk; there was another sheet signed only by the president and reporter; and which, although entitled *copy* of the judgment, is, in fact, drawn up in a form totally different from that of the true minute signed by all the members.

In this copy, or rather in this second judgment, drawn up at leisure, the Duke d'Enghien is not only accused on the heads of inculpation set forth in the consular decree of the 29th Ventose, but he is accused and declared attainted and convicted of six different crimes, amongst which there appears one of which the great soul of the Duke d'Enghien was particularly incapable, but which was chiefly relied upon for the purpose of exciting popular indignation, and giving a colour to the condemnation: the charge of *being one of the*

abettors and accomplices of the conspiracy formed by the English AGAINST THE LIFE OF THE FIRST CONSUL.

Had Bonaparte listened to more generous councils, yielded to the wish expressed by the Prince, and not feared to look him in the face, he might easily have convinced himself that the descendant of the great Condé, although disposed to encounter him in the field of battle, was incapable of engaging in a plot to murder him.

In the second edition of the judgment, the laws are referred to, and the blanks are filled up: it is even stated, towards the end, that judgment was pronounced *in public sitting*; but even in this second copy there are still many irregularities which could not be got rid of.

Thus, in this new judgment, as well as in the former,

1st. There are no witnesses against the accused; no papers in support of the charges; the proceeding is founded solely on the answers contained in an interrogatory, which is void, because it does not state that the accused had it *read* to him.

2dly. Upon this interrogatory, judgment is given, and the Duke d'Enghien is condemned on facts and grounds which formed no part

either of the reference to the commission, or of the substance of this interrogatory, and could not, for the same reason, support a condemnation.

3dly. The commission, notwithstanding the new form of the judgment, still remained incompetent, for the reasons already stated.

4thly. It still appeared that the accused had neither been assisted by counsel, nor warned to make choice of a legal advocate.

5thly. Notwithstanding the phrase *public sitting*, inserted at the end of the new judgment, it is certain that the examination and the trial were begun and ended in the course of three hours, at night, in a prison at the corner of a wood, in the absence of the public, and consequently without publicity.

6thly. In short, the tardy substitution of a second form of judgment apparently more regular than the former (although equally unjust), is no palliation of the infamy of having put the Duke d'Enghien to death by virtue of a rough draft of a judgment, hastily signed, and not even signed by all the requisite parties.

At least it is to be hoped that the last wishes of the unfortunate Prince were complied with. He left some hair, a gold ring, and a letter, requesting that they might be transmitted to

the Princess de Rohan. By a letter amongst the papers relating to the trial, it appears only that General Hulin forwarded these sad tokens to the counsellor of state Real. What is become of them? (No. 9.)

Lastly. On the 22d of Germinal,* and not before, the Minister at War acknowledges having received from the general who was president of the commission, the copy of this judgment pronounced on the 30th of Ventose†, and so urgently pressed for on the following day, by Real and Murat. But some time had been requisite for settling the form of it. (No. 11.)

VII.

General Reflections.

No glaring piece of injustice can ever be committed without trampling principles, forms, and laws under foot.

Hence it is the first care of all despotic governments, of those who wish to crush all who stand in their way, oppress all who displease them, and annihilate all who resist them, to substitute arbitrary and precipitate measures for the salutary developement of those forms, the principal object of whose deliberate progress is,

* 12th April.

† 21st March.

to give the passions time to subside, and truth an opportunity of obtaining a hearing.

We never see governments or judges violating forms, when the fate of a robber, a murderer, or a bigamist is the matter in question. The prosecution against them occupies a considerable time; they are allowed the free choice of counsel and defenders; they are patiently heard, calmly interrogated, and impartially tried; they really enjoy the full protection of the law.

But in a political prosecution, all is changed. Power entrusts nothing to the laws but the care of inflicting its vengeance. It changes the order of jurisdictions; looks out for judges devoted to its will; it exerts constraint or influence over their consciences; it dispenses with forms; it shortens delays; it asks them not for justice, but for blood!—and blood they give.

Wash thy hands, Pilate!—They are stained with the blood of the innocent! Thou didst sacrifice him through weakness; but thy guilt is no less than if thou hadst sacrificed him through malice!

Iniquitous judges of all ages, of all countries, of all governments; all you who have had the dreadful misfortune to pass judgment without authority, without forms, and without laws;

convenient instruments of the revenge of power, of the ambition of a chief, or the retaliations of a party ;—may infamy pursue you throughout all future ages ! May posterity detest you as a fearful example to those who may be tempted to imitate you ! Such is the duty and interest of all generations ! and such are my private sentiments !

HISTORICAL DOCUMENTS

RELATIVE TO

LOUIS ANTOINE HENRI DE BOURBON,

DUKE D'ENGHIEN.



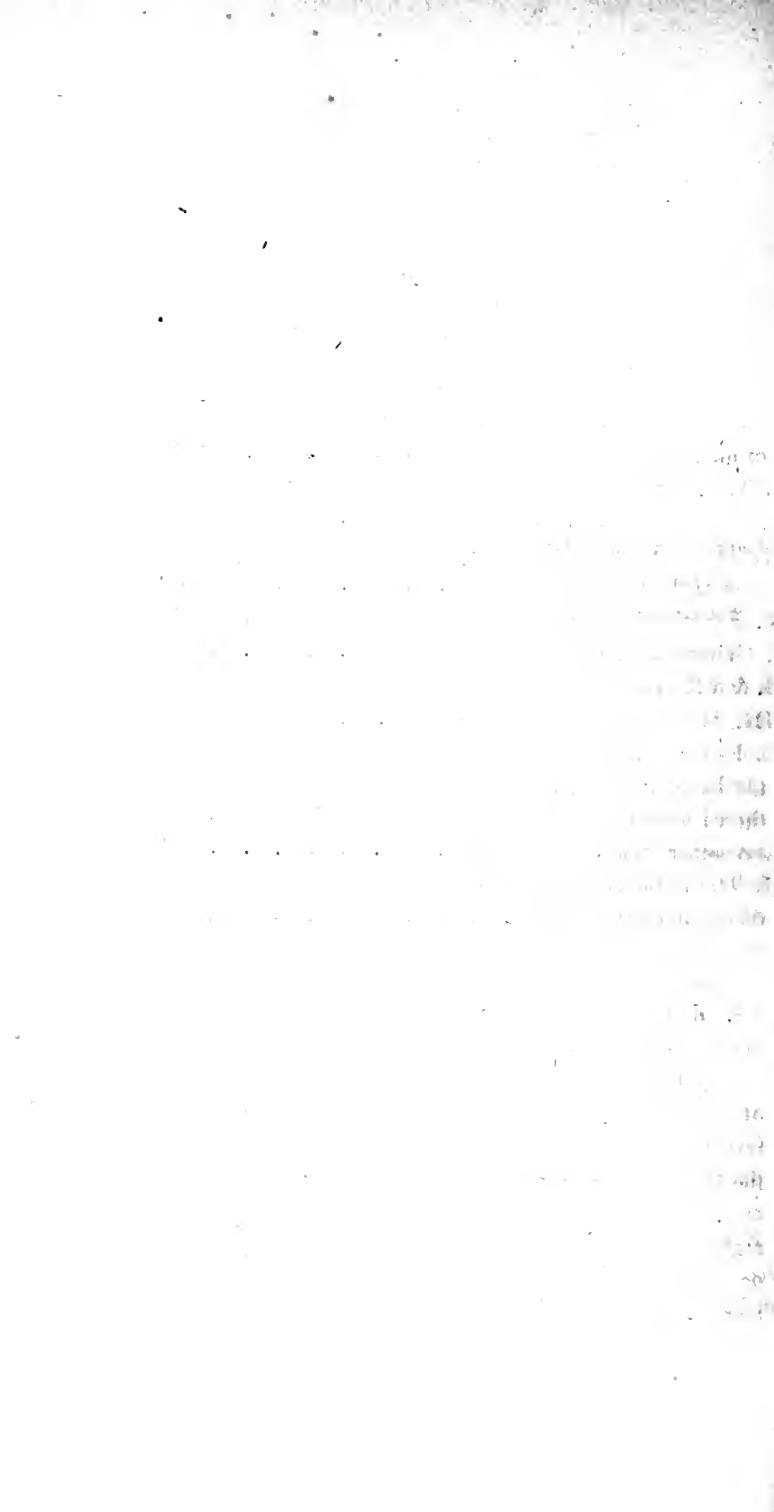
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Note. There is a Document of equal importance—the *procès-verbal* of the disinterment; which, however, it has not been judged necessary to publish, for the present.



HISTORICAL DOCUMENTS.

No. I.

JOURNAL of the DUKE D'ENGHIEN, written by himself, the Original of which was delivered to the First Consul, the 1st Germinal, year XII.

Thursday, the 15th, Ettenheim.—My house surrounded by a detachment of gendarmerie, dragoons, and piquets, amounting to about two hundred men, having two generals, the colonel of dragoons, and Colonel Charlot of the Strasburg gendarmerie—at five o'clock. At half-past five, the doors forced open—myself taken to the mill, near the tile-kiln—my papers seized and sealed—my person conveyed in a cart, between two files of fusileers, as far as the Rhine. Embarked for Rhisnau. Landed, and marched on foot to Pfofsheim—breakfasted at the Tavern. Proceeded in a coach with Colonel Charlot, the quarter-master of the gendarmerie, a gendarme on the box, and Grunstein. Arrived at Strasburg, at the house of Colonel Charlot, towards half-past five—removed half an hour afterwards to the citadel, in a fiacre. My companions in misfortune brought from Pfofsheim to Strasburg, in a cart drawn by farmers' horses—they reached the Citadel at the same time with myself. Were all set down at the house of the commanding officer, and lodged for the night in his hall, on matrasses upon the floor. Gendarmes on guard in the adjoining room—two sentinels in our apartment, and one at the door. Slept ill.

Friday, 16th.—Informed that my quarters were to be changed, provisions to be at my own charge, and probably fire and fuel. General Leval, commander of the division, accompanied by General Férion, one of those who have carried me away, came to visit me. Their behaviour very cold. I am removed to the Pavilion on the right of the Square in coming from the City. I can have communication with the apartments of Messieurs de Thumery, Jacques, and Schmitt, by private staircases; but neither myself nor my people are suffered to go out: I am told, however, that I shall have permission to walk in a little garden attached to a courtyard behind the Pavilion. A guard of twelve men, with an officer, is at my door. After dinner, they separate Grunstein from me, and place him in a solitary room on the other side of the court. This separation is a fresh addition to my misery. Have written this morning to the Princess. Have sent my letter, through the commanding officer, to General Leval, but have no answer. I requested him to send one of my attendants to Est; but every thing will, doubtless, be denied me. Extreme precautions are used on all sides lest I should communicate with any one whomsoever. Should this situation continue, I think despair will gain hold upon me. At half-past four, they come to examine my papers, which are opened in my presence by Colonel Charlot, attended by a commissary of safety. They are cursorily read, and made into separate parcels; and I am given to understand that they are to be sent to Paris. I shall be compelled, then, to languish for weeks, perhaps months. My grief increases whilst I reflect on my cruel condition. I lay down at eleven o'clock; am worn out, and cannot sleep. The major of this place, M. Machim, is very civil; he comes to see me in my bed-room, and tries to console me by obliging expressions.

Saturday, the 17th.—I can hear nothing about my letter. I

tremble for the health of the Princess ; a word by my hand would relieve her. I am very wretched. I am now called on to sign the *procès-verbal* for the opening of my papers. I request, and am permitted to add an explanatory note, in proof that I have never had any intentions beyond acting on military service. In the evening, am told that I shall be allowed to walk in the garden, and even in the court, attended by the officer on guard, as well as my companions in misfortune ; and also, that my papers are despatched to Paris by a courier extraordinary. I took my supper, and went to bed more at ease.

Sunday, the 18th.—Am hurried away at half-past one in the morning ; they only allow me time to dress myself: I embrace my unfortunate companions, my attendants ; I depart without them, in charge of two officers and two gendarmes. Colonel Charlot has signified to me, that we are proceeding to meet the general of division, who has received orders from Paris. Instead of this, I find a coach with six post-horses, on the *Place de l'Eglise*. I am placed inside it. Lieutenant Petermasin gets in by my side ; the Quarter-master Blitersdorff on the box, with two gendarmes, one inside, the other on the outside.

No. II.

LIBERTY—EQUALITY.

*Extract from the Register of the Resolutions of the
Republican Consuls.*

Paris, 29th Ventose (March 20).

Twelfth Year of the Republic—one and indivisible.

The Government of the Republic decrees as follows:—

Article I. The ex-Duke d'Enghien, accused of having borne arms against the Republic, of having been and still being in the pay of England, of having participated in the

plots devised by the latter power against the internal and external safety of the Republic, shall be delivered up to a Military Commission, composed of seven members, named by the General, Governor of Paris, and who shall assemble at Vincennes.

Article II. The Grand Judge, the Minister of War, and the General, Governor of Paris, are charged with the execution of the present decree.

The First Consul,

(Signed) **BONAPARTE.**

By the First Consul,

(Signed) **HUGUES MARET.**

For an authentic Copy,

The General-in-Chief, Governor of Paris,

(Signed) **MURAT.**

No. III.

To the Municipal Government of Paris.

29th Ventose, Year 12 of the Republic.

THE GENERAL-IN-CHIEF, GOVERNOR OF PARIS.

In execution of the decree of the Government, bearing date this day, importing that the ex-Duke d'Enghien shall be brought before a Military Commission, composed of seven members, to be named by the General, Governor of Paris, he has appointed and appoints, to form the said Commission, the seven military officers whose names are subjoined:—

General Hullin, Commander of the Foot Grenadiers of the Consular Guard, President.

Colonel Guitton, Commander of the 1st regiment of Cuirassiers.

Colonel Bazancourt, Commander of the 4th regiment of Light Infantry.

Colonel Ravier, Commander of the 18th regiment of Infantry of the line.

Colonel Barrois, Commander of the 96th regiment of the Infantry of the line.

Colonel Rabbe, Commander of the 2d regiment of the Municipal Guard of Paris.

Citizen Dautancourt, Major of the Light Gendarmie, who is to discharge the duties of Captain Reporter.

This Commission will assemble immediately, at the Castle of Vincennes, to sit there in judgment on the accused without adjournment, upon the charges announced in the decree of the Government, a copy of which shall be sent to the President.

J. MURAT.

No. IV.

12th Year of the French Republic.

This day, 29th Ventose, 12 o'clock at night, I, the Captain Major of the Light Gendarmerie, went, according to the orders of the General commanding the corps, to the house of the General-in-Chief, Murat, Governor of Paris, who ordered me to proceed to the Castle of Vincennes, there to wait the farther orders of General Hullin, commanding the grenadiers of the Consular Guard.

Arrived at the Castle of Vincennes, General Hullin communicated to me,—1st, A duplicate of the decree of the Government, dated the 29th Ventose, this month, stating that the ex-Duke d'Enghien was to be brought before a military commission, composed of seven members, named by the General, Governor of Paris; 2d, The order of the General-in-Chief, Governor of Paris, of this day, containing the nomination of the members of the military commission, in execution of the foregoing decree. These are as follows:—

Citizens Hullin, General of the Grenadiers of the Guard; Guitton, Colonel of the 1st Cuirassiers; Bazancourt, Commander of the 4th regiment of light Infantry; Ravier,

Commander of the 18th Infantry of the line ; Barrois, Commander of the 96th ditto ; and Rabbe, Commander of the 2d regiment of the Guard of Paris.

And the decree farther states, that the undersigned Captain-Major is to discharge at this military commission the duties of Captain Reporter. The same order farther states that this commission will assemble immediately at the Castle of Vincennes, to sit in judgment there, without adjourning, on the accused, upon the charges announced in the decree of the Government aforesaid.

In execution of these arrangements, and in virtue of the orders of General Hullin, the President of the Commission, the undersigned Captain proceeded to the chamber where the Duke d'Enghien slept, accompanied by the Chief of Squadron Jacquin, of the Legion d'Elite, and the foot gendarmes of the same corps, named Lerva and Tharsis, in addition to citizen Niorot, Lieutenant in the same corps. The undersigned Captain Reporter afterwards received the following answers upon each of the interrogatories propounded, being assisted by citizen Molin, Captain in the 18th regiment, appointed clerk to the commission, by the Reporter.

The accused was asked his name and surname, age, and place of birth ?

He answered, that his name was Louis-Antoine-Henri de Bourbon, Duke d'Enghien, born on the 2d of August, 1772, at Chantilly.

He was asked at what period he quitted France ?

He answered, " I cannot say precisely ; but I think it was "on the 16th of July, 1789." That he had set out with the Prince de Condé, his grandfather, his father, the Count d'Artois, and the children of the Count d'Artois.

He was asked where he had resided since his departure from France ?

He answered, " On leaving France I passed with my

“ parents, whom I always followed, through Mons and Brussels; thence we went to Turin, to the King of Sardinia, where we remained nearly 16 months.” Thence, still with his parents, he went to Worms, and about the banks of the Rhine. “ Afterwards the corps of Condé was formed, and I served the whole campaign. I had before served in the campaign of 1792 in Brabant, with the Bourbon corps and the army of Duke Albert.”

He was asked where he had retired after the peace made between the French Republic and the Emperor ?

He answered, “ We closed the last campaign in the vicinity of Gratz; it was there that the corps of Condé, which was in the pay of England, was disbanded—that is to say, at Wendisch Faestritz, in Styria.” That he afterwards remained for his amusement in Gratz, or the vicinity, almost eight or nine months, waiting intelligence from his grandfather, the Prince of Condé, who had gone to England, and who was to let him know the reception which that power would give him, a matter not yet certain. “ In this interval I asked permission of Cardinal de Rohan to proceed to his country to Ettenheim, in the Brisgaw, formerly the bishoprick of Strasburg.” That for the last two years and a half he has sojourned in that country. Since the death of the Cardinal, he has asked permission of the Elector of Baden officially, to take up his abode in this country, which has been granted to him, not being willing to remain without the Elector’s consent.

He was asked if he had not gone to England, and if that power did not always afford him support ?

He answered, that he had never gone there ; that England always supported him, for that he had nothing to live on.

He requested to add, that as the reasons which induced him to remain at Ettenheim no longer existed, he proposed to settle himself at Fribourg, in the Brisgaw, a town much

less agreeable than Ettenheim, where he had stayed only in expectation of the Elector allowing him the liberty of hunting, of which he was very fond.

He was asked if he kept up a correspondence with the French Princes in retirement in London; if he had seen them for some time?

He answered, that naturally he kept up a correspondence with his grandfather since he had left Vienna, where he had been to accompany him, since the disbanding of the corps; that he equally kept up a correspondence with his father; that he had not seen him, as well as he could recollect, since 1794 or 1795.

He was asked what rank he held in the army of Condé?

He answered, Commander of the advance guard before the year 1796. Before that campaign he ranked as a volunteer at the head-quarters of his grandfather, and always since 1796 as Commander of the vanguard; observing, that after the army of Condé marched into Russia, it was mustered into two corps, the one of infantry, and the other of dragoons, of which he was made Colonel by the Emperor; and that it was in that capacity he joined the armies of the Rhine.

He was asked if he knew General Pichegru; if he had had any transactions with him?

He answered, "I have never, I believe, seen him. I have not had any transactions with him. I know he wished to see me: I take credit to myself for not having known him, after the vile means by which they say he wished to effect his purpose, if the fact be true."

He was asked if he knew the ex-General Dumouriez, and if he had had any transactions with him?

He answered, "Not at all; I have never seen him."

He was asked if, since the peace, he had not kept up a correspondence in the interior of the republic?

He answered, "I have written to some friends, who are still attached to me, who have been in the war with me, concerning their affairs and my own."

This correspondence he was imagined to speak of rather unwillingly.

These presents were thereupon drawn up and signed by the Duke d'Enghien, the Chief of Squadron Jacquin, Lieutenant Niorot, the two Gendarmes, and the Captain Reporter.

"Before signing this *procès verbal*, I earnestly demand to have a private audience with the First Consul. My name, my rank, my mode of thinking, and the horror of my situation, make me hope that he will not refuse my demand."

(Signed)

L. A. H. DE BOURBON.

And lower down,

NIOROT, Lieutenant; and
JACQUIN.

For an authentic copy, the Captain discharging the duties of Reporter,

DAUTANCOURT,
MOLIN, Captain Clerk.

No. V.

This day, 30th Ventose, Year XII. of the Republic.

The Military Commission formed in pursuance of the decree of Government, bearing date the 29th inst., composed of the citizens Hulin, General Commandant of the grenadiers of the Consular Guard, President; Guitton, Colonel of the 1st regiment of Cuirassiers; Bazancourt, Colonel of the 4th regiment of Light Infantry; Ravier, Colonel of the 18th regiment of the line; Barrois, Colonel of the 96th; Rabbe, Colonel of the 2d regiment of the Paris Guard; the Citizen Dautancourt, acting as Captain Reporter, assisted by Citizen Molin, Captain of the 18th regiment of the Infantry of the line, chosen as Clerk; all appointed by the General-in-Chief, Governor of Paris,—

Did assemble at the castle of Vincennes, in order to pronounce judgment on the quondam Duke d'Enghien, upon the charges contained in the above-mentioned decree.

The President caused the accused to be brought up free, and without irons, and ordered the Captain Reporter to communicate to him the documents in support and denial of the charge.

After having read to him the decree, the President asked him the following question:—

Your name, age, and place of birth ?

He answered, that his name was Louis Antoine Henri de Bourbon, Duke d'Enghien, born at Chantilly, Aug. 2, 1772.

He asked him if he had taken up arms against France ?

He answered, that he had taken part in the whole war, and that he persisted in the declaration which he had made to the Captain Reporter, and which he had signed. He moreover added, that he was ready to make war, and wished to be employed in the new war which England declared against France.

He was then asked if he was yet in the maintenance of England ?

He answered, yes ; that he received from that power one hundred and fifty guineas a month.

The Commission, after having read to the accused their resolutions through their President, and having asked him if he wished to add any thing by way of defence, he answered that he had nothing more to say, and persisted in his declaration.

The President caused the accused to retire : the Council deliberating with closed doors, the President collected the votes, commencing with the junior in rank, the President giving his opinion last. He was unanimously declared Guilty, and they applied to him article . . . of the law of

conceived in these terms . . . and he was in consequence condemned to the punishment of death.

It is ordered that the present judgment shall be immediately executed, under the direction of the Captain Reporter, after being read to the party condemned, in the presence of the different detachments of the corps of the garrison.

Done, concluded, and judgment passed, without quitting the place, at Vincennes, the day, month, and year above mentioned, and duly subscribed.

(Signed)

P. HULIN, BAZANCOURT, RABBE, BARROIS ; DAUTAN-
COURT, *Reporter* ; GUITTON, RAVIER.

Note—The minute has not the signature of the Clerk Molin.

No. VI.

Paris, 30th Ventose, Year XII. of the Republic,
(21st March, 1804.)

The Counsellor of State, especially charged with the examination and prosecution of all cases affecting the tranquillity and internal safety of the Republic,

To BRIGADIER-GENERAL HULIN, *commanding the Grenadiers of the Guard.*

GENERAL,

I beg you will transmit me the judgment given this morning against the ex-Duke d'Enghien, as well as his examination.

I shall be obliged by your delivering them to the bearer of this letter, if possible.

I have the honour to salute you,

REAL.

No. VII.

Paris, 30th Ventose, Year XII. of the Republic.

The Counsellor of State, &c.

To BRIGADIER-GENERAL HULIN, &c.

GENERAL,

I am waiting for the judgment and examination of the ex-Duke d'Enghien, in order to proceed to Malmaison, to attend the First Consul.

Have the goodness to let me know at what hour I may expect these papers. The bearer of my letter will take charge of the packet, and wait till it is ready, if the engrossments are in a forward state.

I have the honour, &c.

REAL.

No. VIII.

From the Office of the GOVERNOR OF PARIS.

1st Germinal, Year XII. of the Republic,
(22d March, 1804.)

THE GENERAL-IN-CHIEF, GOVERNOR OF PARIS.

Send me, I beg, my dear Hulin, a copy of the interrogatories administered to the *ci-devant* Duke d'Enghien.

It may be useful to Citizen Thuriot.

I salute you,

MURAT.

No. IX.

Paris, 2d Germinal, Year XII. of the Republic,
(23d March, 1804.)

THE COUNSELLOR OF STATE, &c. &c.

Has received from Brigadier-General Hulin, commanding the foot grenadiers of the Guard, a small parcel, containing

some hair, a gold ring, and a letter ; the packet bearing the following superscription :—“ To be delivered to Madame the Princess de Rohan, from the *ci-devant* Duke d’Enghien.”

REAL.

No. X.

SPECIAL Military Commission appointed in the First Military Division, by virtue of the Decree of Government, dated 29th Ventose, year XII. of the Republic, one and indivisible.

JUDGMENT

IN THE NAME OF THE FRENCH PEOPLE.

This day, the 30th of Ventose, in the 12th year of the Republic, the Special Military Commission appointed in the first military division, by virtue of the decree of Government, dated the 20th of Ventose, in the year XII, composed according to the law of the 19th of Fructidor in the year V. of seven members, that is to say : citizens Hulin, brigadier-general commanding the foot grenadiers of the guard, president ;—Guiton, colonel, commanding the 1st regiment of cuirassiers ;—Bazancourt, colonel, commanding the 4th regiment of light infantry ;—Ravier, colonel, commanding the 18th regiment of infantry of the line ;—Barrois, colonel, commanding the 96th regiment of infantry of the line ;—Rabbe, colonel, commanding the 2d regiment of the municipal guard of Paris ;—Dautancourt, captain-major of the gendarmerie *d’élite*, acting as captain-reporter ;—and Mollin, captain, in the 18th regiment of infantry of the line, clerk ; all nominated by the General-in-chief, Murat, governor of Paris, and commanding the first military division. Which president, members, captain-reporter, and clerk, are neither of kin nor affinity to each other, or to the accused, within the degrees prohibited by law.

The commission convoked by order of the General-in-chief

governor of Paris, met in the castle of Vincennes, in the apartments of the governor of the place, for the purpose of trying the person named Louis Antoine Henri de Bourbon, Duke d'Enghien, born at Chantilly, on the 2d of August, 1772; height 1 metre 705 millimetres; hair and eyebrows auburn; face oval, long, well made; eyes grey, approaching to brown; mouth middle-sized; nose aquiline; chin somewhat pointed, well made. Accused, 1st, of having borne arms against the French Republic; 2dly, of having offered his services to the English government, an enemy to the French people; 3dly, of having received and countenanced agents of the said English government, of having procured them means of establishing correspondence in France, and of having conspired with them against the internal and external safety of the state; 4thly, of having placed himself at the head of an assemblage of French emigrants and others, in the pay of England, formed on the frontiers of France, in the countries of Friburg and Baden; 5thly, of having established an intelligence in the fortress of Strasburg, tending to excite the surrounding departments to revolt, in order to operate a diversion in favour of England; 6thly, of being one of the abettors and accomplices of the conspiracy formed by the English against the life of the First Consul, and of having intended, in case that conspiracy had succeeded, to enter France.

The sitting being opened, the president ordered the reporter to cause all the documents to be read, as well those for the charge as those for the defence. The reading being concluded, the president ordered the guard to bring in the accused, who was introduced free and without irons before the commission. Being interrogated respecting his names, pre-names, age, place of birth and domicile, answered that his name was Louis Antoine Henri de Bourbon, Duke d'Enghien, aged 32 years, born at

Chantilly, near Paris, having left France on the 16th of July, 1789. After having interrogated the accused, by means of the president, on all the contents of the accusation against him; heard the reporter's report and conclusions, and the accused in his means of defence; after the latter had declared that he had nothing to add to his justification, the president asked the members whether they had any observations to make, and on their answering in the negative, and previously to taking their opinions, he ordered the accused to retire. The accused was reconducted to prison by his escort; and the reporter and the clerk, as well as the citizens present in the auditory, withdrew at the request of the president. The commission deliberating with closed doors, the president put the questions as follows:—Louis Antoine Henri de Bourbon, Duke d'Enghien, accused, 1st, of having borne arms against the French Republic, is he guilty? 2dly, of having offered his services to the English government, an enemy to the French people, is he guilty? 3dly, of having received and countenanced agents of the said English government, of having procured them means of establishing correspondences in France, and of having conspired with them against the internal and external safety of the state, is he guilty? 4thly, of having placed himself at the head of an assemblage of French emigrants and others, in the pay of England, formed on the frontiers of France in the countries of Friburg and Baden, is he guilty? 5thly, of having established an intelligence in the fortress of Strasburg, tending to excite the surrounding departments to revolt, in order to operate a diversion in favour of England, is he guilty? 6thly, of being one of the abettors and accomplices of the conspiracy formed by the English against the life of the First Consul, and of having intended, in case that conspiracy had succeeded, to enter France, is he guilty? The votes being separately collected on each of the above questions, beginning with the

junior in rank, the president having delivered his opinion last:—the commission declares the person named Louis Antoine Henri de Bourbon, Duke d'Enghien, 1st, unanimously, guilty of having borne arms against the French Republic; 2dly, unanimously, guilty of having offered his services to the English government, an enemy to the French nation; 3dly, unanimously, guilty of having received and countenanced agents of the said English government, of having procured them means of establishing correspondence in France, and of having conspired with them against the internal and external safety of the state; 4thly, unanimously, guilty of having placed himself at the head of an assemblage of French and other emigrants in the pay of England, formed on the frontiers of France, in the countries of Friburg and Baden; 5th, unanimously, guilty of having established an intelligence in the fortress of Strasburg tending to excite the surrounding departments to revolt, in order to operate a diversion in favour of England; 6thly, unanimously, guilty of being one of the abettors and accomplices of the conspiracy formed by the English against the life of the First Consul, and of having intended, in case that conspiracy had succeeded, to enter France. Upon which, the president put the question relative to the application of the punishment; the votes being again collected in the form above indicated:—The special military commission unanimously condemns to the punishment of death the person named Louis Antoine Henri de Bourbon, Duke d'Enghien, in atonement of the crimes of acting as a spy, of holding correspondence with the enemies of the Republic, and of attacking the internal and external safety of the State. The said penalty pronounced in conformity to Articles 2, Title iv. of the Military Code of offences and punishments of the 21st Brumaire, year V; and 1st and 2d of Section II. of the 1st Title of the Ordinary Penal Code, of the 6th of October, 1791,

conceived as follows, that is to say: Article 2, (of the 21st Brumaire, year V.) "Every individual, whatever may be his rank, quality, or profession, convicted of acting as a spy for the enemy, shall suffer the punishment of death." Article 1st. (of the 6th of Oct. 1791.) "Every plot and enterprise against the Republic shall be punished with death." Article 2d. (of the 6th of Oct. 1791.) "Every conspiracy and plot, tending to disturb the state by a civil war, by arming the citizens against each other, or against the exercise of lawful authority, shall be punished with death." Ordered that the captain-reporter do forthwith read this judgment to the condemned in presence of the guard assembled under arms. Ordered that the president and reporter be required to send copies thereof within the term prescribed by law, to the minister at war, the grand judge minister of justice, and the general-in-chief, governor of Paris.

Adjudged and registered without separation, the day, month, and year before mentioned, in public sitting; and the members of the special military commission have signed, together with the reporter and clerk, the minute of the judgment.

(Signed,) GUITON, BAZANCOURT, RAVIER, BARROIS, RABBE; DAUTANCOURT, Captain-Reporter; MOLIN, Captain-Clerk, and HULLIN, President.

A true Copy.

The President of the Special Commission,

P. HULLIN.

DAUTANCOURT, Captain-Reporter.

MOLIN, Captain-Clerk.

No. XI.

Paris, 22d Germinal, year XII. of the Republic,
(12th April, 1804.)

The Minister at War,

To GENERAL HULLIN, &c. &c.

I have received, Citizen General, with your letter, a copy of the judgment pronounced the 30th of Ventose last, by a Military Commission, against the ex-Duke d'Enghien; for which I have to thank you.

I salute you,

BERTHIER.

SUPPLEMENT.

EXTRACT FROM THE

MEMOIRS OF NAPOLEON,

(*Historical Miscellanies*, Vol. III.)

No. I.

LETTER from the FIRST CONSUL to the MINISTER AT WAR.

Paris, 19th Ventose, Year XII. (March 10, 1804.)

You will please, Citizen General, to give orders to General Ordener, whom I place at your disposal for this purpose, to proceed post to Strasburg by night, travelling under an assumed name, and to see the General of the division.

The object of his mission is to advance on Ettenheim, surround that town, and bring off from thence the Duke d'Enghien, Dumouriez, an English colonel, and all other persons in their suite. The general of the division and the quartermaster of gendarmerie who has been to Ettenheim to reconnoitre the place, will give him all necessary information.

You will direct General Ordener to send from Schelestadt 300 men of the 26th dragoons, who will repair to Rheinau, where they will arrive at eight o'clock in the evening.

The commandant of the division will send fifteen pontooneers to Rheinau, who will likewise reach that place by eight o'clock in the evening, and who will, for that purpose, set out post, or on the horses of the light artillery. Besides the ferry-boat, he must previously have taken care that there be four or five large boats in readiness, so that three hundred horse may be carried over at a single trip.

The troops will take sufficient bread for four days, and provide themselves with cartridges. The General of division will add to them a captain or officer, and a lieutenant, with three or four brigades (thirty) of gendarmes.

As soon as General Ordener has passed the Rhine, he will proceed straight on Ettenheim, and march directly up to the houses of the Duke and Dumouriez; after completing this expedition, he will return to Strasburg.

In passing Luneville, General Ordener will order the officer of carabineers, who commanded the depôt at Ettenheim, to repair to Strasburg, there to wait for orders.

General Ordener, on reaching Strasburg, will very secretly despatch two agents either civil or military, and will make arrangements with them to come to meet him.

You will give orders, that on the same day, and at the same hour, 200 men of the 26th dragoons, under the command of General Caulaincourt (to whom you are consequently to give the necessary orders) shall proceed to Offenbourg to surround that town and arrest the Baroness de Reich, if she has not been taken at Strasburg, and other agents of the English government; respecting whom the prefect, and citizen Mehée, now at Strasburg, will give him information.

From Offenbourg, General Caulaincourt will direct patrols on Ettenheim, until he learns that General Ordener has succeeded. They will afford each other mutual assistance.

At the same time the General of the division will send 300 cavalry to Kelh, with four pieces of light artillery, and send a post of light cavalry to Willstadt, the intermediate point between the two routes.

The two generals will take care that the greatest discipline prevail, and that the troops require nothing from the inhabitants; for this purpose you will cause 12,000 francs to be paid them.

If it should happen that they cannot accomplish their mission, but should expect to fulfil it by remaining three or

four days and sending out patrols, they are authorized to do so.

They will inform the baillies of the two towns, that if they continue to afford an asylum to the enemies of France, they will draw heavy calamities upon themselves.

You will order the commandant of Neuf Brisac to send 100 men and two pieces of cannon to the right bank.

The post of Kelh, as well as those of the right bank, will be evacuated the moment the two detachments have effected their return.

General Caulaincourt will have thirty gendarmes with him, and will, with General Ordener and the General of division, hold a council, and make such alterations in the present arrangements as may be deemed advisable.

Should it happen that neither Dumouriez nor the Duke d'Enghien remains at Ettenheim, an extraordinary courier is to be despatched with an account of the state of affairs.

You will give orders to arrest the post-master of Kelh and other individuals capable of giving information on the subject.

(Signed,)

BONAPARTE.

No. II.

COPY of the REPORT made by CITIZEN CHARLOT, Chief of the thirty-eighth squadron of National Gendarmerie, to GENERAL MONCEY, first Inspector-general of the Gendarmerie.

24th Ventose, Year XII. (15th March, 1804.)

GENERAL,

It is now two hours since I returned into this town, from the expedition to Ettenheim in the Electorate of Baden, whence, with a detachment of gendarmerie and a party of the 22d dragoons, I have, by the orders of Generals Ordener and Fririon, brought off the persons whose names are as follow :

Louis Antoine Henri de Bourbon, Duke d'Enghien ;

General the Marquis de Thumery ;

Colonel the Baron Grunstein ;

Lieutenant Schmidt ;

The Abbé Wemborn, formerly proctor of the bishopric of Strasburg.

The Abbé Michal, Secretary to the bishopric of Strasburg, (beyond the Rhine,) and Secretary to the Abbé Wemborn: this latter is French, as Wemborn is.

The Duke d'Enghien's secretary, named Jacques.

Feraud (Simon) valet de chambre to the Duke.

Poulain (Pierre) servant to the Duke.

Joseph Cannon, do.

The General Dumouriez, who was said to reside with Colonel Grunstein, is no other than the Marquis de Thumery above mentioned, who occupied an apartment on the ground-floor, in the house inhabited by Colonel Grunstein, whom I arrested at the Duke's house, where he had slept. I am indebted to the colonel for the honour of writing to you at this moment. The Duke being informed that his lodgings were surrounded, seized a double-barrelled gun, and levelled it at me as I was desiring several persons who were at the Duke's windows to open the door to me, and threatening that, if they did not, I would carry off the Duke by force. Colonel Grunstein prevented him from firing by saying, "My Lord, have you involved yourself?" The latter having answered in the negative, "Well," said Grunstein, "all resistance is useless, for we are surrounded, and I perceive a great number of bayonets ; it appears that this is the commanding officer. Recollect that by killing him you would ensure your own destruction and ours." I well remember hearing the words *This is the commanding officer* ; but I was far from supposing my life in such imminent danger, as the Duke has since repeatedly declared to me it was. At

the moment of the Duke's apprehension, I heard a cry of fire! (a German signal.) I immediately went to the house in which I expected to arrest Dumouriez; and on my way I heard the cry of fire! repeated in several directions. I stopped a person who was going towards the church, probably to sound the tocsin; and at the same time I satisfied the inhabitants of the place, who were running out of their houses in consternation, by saying, "It is all by your sovereign's consent:" an assurance which I had already given to his Master of the Hunt, who had hastened to the Duke's lodgings on the first cries that were heard. On reaching the house in which I expected to seize Dumouriez, I arrested the Marquis de Thumery. I found this house in a state of tranquillity, which removed my anxiety, and invested as I had left it before I proceeded to the Duke's.

The other arrests were effected without noise. I made enquiries to ascertain whether Dumouriez had appeared at Ettenheim, and was assured that he had not. I presume the idea of his having been there must have arisen from confounding his name with that of General Thumery.

To-morrow I shall look into the papers which I have hastily brought off from the prisoners' houses, and shall then have the honour to make my report thereon to you. I cannot too highly applaud the firm and distinguished conduct of Quarter-master Pfersdorff in this affair. He is the person whom I sent the day before to Ettenheim, and who pointed out to me the lodgings of our prisoners: he stationed all the vedettes, in my presence, at the outlets of the houses they occupied, and which he had reconnoitred the preceding day. At the moment when I was summoning the Duke to yield himself prisoner to me, Pfersdorff, at the head of several gendarmes and dragoons of the 22d regiment, penetrated into the house by the back part, by getting over the walls of the court-yard: these were the men per-

ceived by Colonel Grunstein, at sight of whom he prevented the Duke from firing at me. I solicit, General, the brevet of a lieutenant for Quarter-master Pfersdorff, for which place he was proposed at the last review of the Inspector-general Wyrion. He is in all respects fit to be promoted to that rank. Generals Ordener and Caulaincourt will mention this sub-officer to you; and what they will say to you respecting him, leads me to hope that you will take into serious consideration the favour I ask of you for him. I have to add that this sub-officer has informed me that he was particularly seconded by the gendarme Henne, of the brigade of Barr. As Pfersdorff speaks several languages, I should hope his promotion would not remove him from the squadron.

The Duke d'Enghien has assured me that Dumouriez has not been at Ettenheim; that he might possibly, nevertheless, have been charged to bring him instructions from England; but that he should not have received him, because his rank did not allow of his holding communication with such people; that he esteemed Bonaparte as a great man, but that being a prince of the house of Bourbon, he had vowed an implacable hatred against him, as well as against the French, with whom he would wage war on all occasions.

He is extremely fearful of being taken to Paris; and I believe that, in order to carry him thither, he must be very vigilantly guarded. He expects that the First Consul will confine him, and says he repents his not having fired on me, as that would have decided his fate by arms.

The Chief of the 38th squadron of
National Gendarmerie,

(Signed,)

CHARLOT.

LONDON :

PRINTED BY S. AND R. BENTLEY, DORSET STREET.

*This day is published, in French and English, in Two Parts, 8vo.
with three Fac-Similes,*

THE THIRD LIVRAISON OF
NAPOLEON'S MEMOIRS,

ILLUSTRATIVE of the HISTORY of EUROPE, from 1793 to 1815,

DICTATED AT SAINT-HELENA,

TO COUNTS MONTHOLON, BERTRAND, GOURGAUD, &c.

AND PUBLISHED FROM THE ORIGINAL MANUSCRIPTS

CORRECTED BY HIMSELF.

N.B. The fourth and last Livraisons of this important Work are in a forward state.

It was during the years of a dreary and hopeless exile that his mind, whose element was action, whose health depended on incessant and boundless exertion, left to prey upon and eat into itself, as the rust corrodes the neglected or disused brand, sought to beguile the hours of sorrowful and bitter recollection, by living for a little on the past, and dictating the Memoirs of which we propose to render some account. This work bears impressed on it the stamp of the gigantic mind from which it emanated. It is wholly free from the usual vices of French composition; depth, originality, comprehensiveness, and great energy of expression, are its prominent characteristics. A profound and intuitive sagacity, a clear and unerring insight into human character, mental resources almost preternatural, and an incredible knowledge of the minutest details of every subject discussed, are exhibited in almost every page: nothing escapes the observation, or transcends the capacity, of the Imperial Annalist. He combines the judgment and penetration of Tacitus, with the prodigious versatility of Cæsar, and the more enlarged views of modern philosophy and science; policy, religion, war, civil administration, statistics, art, even literature, in short, whatever he touches on seems to unfold its most recondite principles to his view, and to be fully comprehended and appreciated. With these qualities, his style, clear, rapid, vigorous, admirably harmonizes, yet appears occasionally to labour under the weight and importance of the materials of which it is the vehicle: and notwithstanding the severe exclusion of every thing in the shape of ornament, there are occasional flashes of that deep intellectual eloquence which strikes like a thunderbolt into the soul, thrills into its inmost recesses, and leaves us overmastered and subdued by its sudden and irresistible impulse. It is fortunate that the impetuous exuberance of his ideas forced the Emperor to have recourse to dictation; for, in this manner, his statements come warm and fresh from his powerful and original mind, stamped with the innate freedom, boldness, and energy of his character, and utterly divested of any symptom of painful and anxious elaboration. In the same ratio in which it increases the pleasure we derive from their perusal, this cannot fail to augment their value, as the living and veritable expression of those prodigious faculties to which all men of all countries have been compelled to render an unanimous homage. To the future historian their value is incalculable: with regard to the Memoirs themselves, no history can ever supersede them.

Edinburgh Literary Miscellany.

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& M. BOSSANGE & CO. GREAT MARLBOROUGH STREET.

IMPORTANT WORKS

PRINTED FOR HENRY COLBURN & CO. CONDUIT-STREET.

And sold by BELL and BRADFUTE, Edinburgh; and JOHN CUMMING, Dublin.

1.

MEMOIRS OF SAMUEL PEPYS, ESQ.

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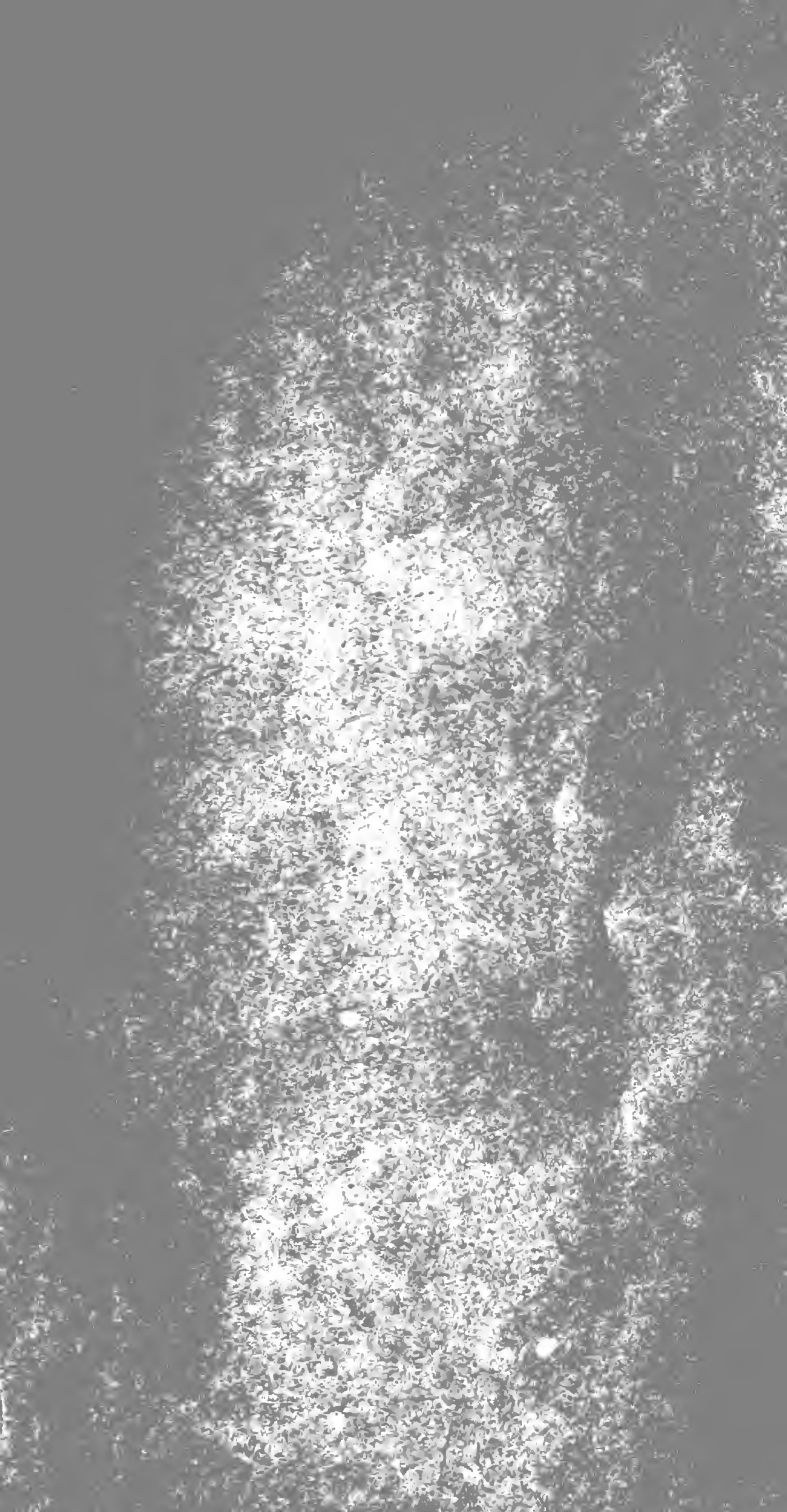
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